

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.MC.No. 1505 of 2015 ()

CRIME NO. 1058/2014 OF OTTAPALAM POLICE STATION, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED 1 & 2:

- 1. RIYAS.V., S/O.SYED, AGED 29 YEARS,
VARIYANGATTIL HOUSE, THACHAMPARA P.O.,
MANNARKKAD, PALAKKAD.**
- 2. JACOB, S/O.BINSON, AGED 21 YEARS,
PLAVILAYIL HOUSE, KARIMBA P.O.,
MANNARKAD, PALAKKAD.**

**BY ADVS.SRI.JACOB SEBASTIAN
SRI.T.U.SUJITH KUMAR**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DEEPAK, S/O.ANTONY, AGED 32 YEARS,
ALUMKAL HOUSE, KARIMBA P.O.,
PALAKKAD, PIN - 678 004.**

**R1 BY SR PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P.
R2 BY ADV. SMT.SHAMSEERA. C.ASHRAF**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1505 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: A TRUE COPY OF FIR IN CRIME NUMBER 1058 OF 2014 OF THE
OTTAPALAM POLICE STATION.**

**ANNEX A2: A TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE SECOND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P. UBAID, J.

Crl.M.C.Nos.1505 of 2015

Dated this the 10th day of March, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1058 of 2014 of the Ottapalam Police Station, registered under Sections 323,324,341,452 and 506(ii) read with 34 IPC on the complaint of one Deepak. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Deepak is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint.

In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution; be it at the crime stage or at the trial stage, or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of

prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.1058 of 2014 of the Ottapalam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

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