

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 1535 of 2015 ()

**CRIME NO. 453/2014 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA
DISTRICT**

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PETITIONER/ACCUSED:

**LIJO JOSEPH, AGED 26 YEARS
S/O.GEORGE JOSEPH
PUTHEN PURAYIL HOUSE
AZHOOR ROAD, PATHANAMTHITTA.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/RESPONDENT:

**1. SANEESH, AGED 29 YEARS
S/O.SENAN, PUVELIN PUTHEN VEEDU, NANNUVAKKADU
PATHANAMTHITTA VILLAGE, PATHANAMTHITTA-689645.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.**

**R1 BY ADV. SRI.T.ANIL KUMAR
R2 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1535 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO. 453 OF 2014 OF
PATHANAMTHITTA POLICE STATION DATED 13/03/2014.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1535 of 2015

Dated this the 1st day of April, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.453/2014 of Pathanamthitta Police Station, registered under Sections 341, 323 and 394 IPC on the complaint of one Saneesh. 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 Saneesh is the 1st 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.

2. 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.453/2014 of Pathanamthitta Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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