

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Crl.MC.No. 1600 of 2015 ()

**CRMC 221/2015 of SESSIONS COURT,KOZHIKODE
CRIME NO. 38/2015 OF PAYYOLI POLICE STATION , KOZHIKODE.**

PETITIONER(S)/ACCUSED:

- 1. MOBILAL K.P.
AGED 20 YEARS,
S/O. MANI K.P.,
SREE SADANAM THIKKODI
THIKKODI AMSOM DESOM,
KOZHIKODE.**
- 2. ARUN,
AGED 22 YEARS,
S/O. NARAYANAN,
THALACHANTAVIDE HOUSE,
THIKKODI,
THIKKODI AMSOM DESOM,
KOZHIKODE.**
- 3. ARUN KUMAR,
AGED 20 YEARS,
S/O. VINODHAN,
THATTANKANDY (H),
THIKKODI,
THIKKODI AMSOM DESOM,
KOZHIKODE.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN**

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM -31.**

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2. VISHNU,,
AGED 20 YEARS
S/O. KUNHIKANNAN,
NAMBIYATTU THAZHE KUNI VEETIL,
KADALUR AMSOM,
VANMUGHAM DESOM,
KOYILANDY TALUK,
KOZHIKODE-673 305.

3. SAYOOJ RAVEENDRAN,
AGED 20 YEARS,
S/O.RAVEENDRAN,
KAYYADATH VEETIL,
KADALUR AMSOM
VANMUGHAM DESOM,
KOYILANDY TALUK,
KOZHIKODE 673 305.

R1 BY PUBLIC PROSECUTOR SMT.HYMA
R2& 3 BY ADV. SRI.P.YADHU KUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

vmr.

Crl.MC.No. 1600 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE

**ANNEXURE 1: A TRUE COPY OF THE FIR DATED 19.1.2015 IN CRIME NO.38/2015 OF
PAYYOLI POLICE.**

**ANNEXURE 2: A TRUE COPY OF THE ORDER OF THE HON'BLE COURT OF SESSIONS,
KOZHIKODE IN C.M.C.NO.221/2015 DATED 23.2.2015.**

**ANNEXURE 3: A TRUE COPY OF THE SETTLEMENT AGREEMENT DATED 9.3.2015
BETWEEN THE 2ND AND 3RD RESPONDENTS AND PETITIONERS.**

**ANNEXURE IV: TRUE COPY OF THE AFFIDAVIT FILED BY 2ND RESPONDENT DATED
9.3.2015.**

**ANNEXURE V: TRUE COPY OF THE AFFIDAVIT FILED BY 3RD RESPONDENT DATED
9.3.2015.**

RESPONDENT(S)' ANNEXURE : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.UBAID, J.
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**Crl.M.C No.1600 of 2015**  
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Dated this the 17th March 2015

ORDER

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.38 of 2015 of Payyoli Police Station, registered under Sections 143, 147, 148, 341, 324 and 308 read with 149 of Indian Penal Code on the complaint of one Vishnu. 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 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. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the dispute with the accused and he has no grievance or complaint now.

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. On a perusal of the First Information Statement, I find nothing therein for a prosecution under Section 308 I.P.C. The said section was incorporated by the police on the basis of a hypothetical statement.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.38 of 2015 of Payyoli Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma /True copy/

P.S to Judge