

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.MC.No. 1607 of 2015 ()

CRIME NO. 885/2013 OF KUTTIPPURAM POLICE STATION , MALAPPURAM

PETITIONER(S)/PETITIONER/ACCUSED:

**MOHAMMED ABDUL NOOR AGED 48 YEARS
S/O ABDULLA MUSLIAR, KAMBALA HOUSE, KUTTIPPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/RESPONDENTS/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031 (CRIME NO.885/2013 OF KUTTIPPURAM POLICE
STATION, MALAPPURAM DISTRICT)**
 - 2. MOHINUDHEEN P.C., AGED 28 YEARS
S/O ABDURAHIMAN MUSLIYAR, MUBARACK MANZIL, VELLAMBRAM
KARAD AMSOM DESOM, KARAD P.O., WANDOOR
NILAMBUR TALUK, MALAPPURAM DISTRICT-679 339.**
- R2 BY ADV. SRI.VINOD KUMAR.C
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1607 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.885/2013 OF KUTTIPPURAM POLICE STATION.**

ANNEXURE II: AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED 30.6.2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1607 of 2015

Dated this the 13th day of March, 2015.

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.885 of 2013 of the Kuttippuram Police Station, registered under Section 420 IPC on the complaint of one Mohinudheen. 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 Mohinudheen 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.885 of 2013 of the Kuttippuram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE

sab