

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

CrI.MC.No. 1728 of 2015 ()

**CRIME NO. 122/2014 OF HEMAMBIKA NAGAR POLICE STATION,
PALAKKAD DISTRICT**

PETITIONERS/ACCUSED :

1. VIPULNATH, AGED 21 YEARS, S/O. VISWANATHAN,
AZJOSERU JPISE. THANAVAYOOR, KOTTAPPADY,
GURUVAYOOR, THRISSUR.
2. SAHIL, S/O. MAJEED, AGED 21 YEARS,
DADARUSALAM MUSALIYAR VALAPPU,
VALIYAKULAM BAZAR, ALAPPUZHA
3. SARATH, S/O. SUKUMARAN, AGED 21 YEARS,
PUTHENVEEDU, EDAKKARA POST, MALAPPURAM

BY ADV. SRI.K.ANAND

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

1. STATE OF KERALAREP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.
2. ANANTHAKRISHNAN, S/O. R.K. PRASAD,
AGED 21 YEARS, MANIKUNNATHU PUTHENPURAYIL,
MANIKKUNNAM, VELLOR POST, KOTTAYAM - 686003.

**R1 BY SENIOR PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.
R2 BY ADV. SRI.S.SREENATH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME 122/2014 OF
HEMAMBIKA NAGAR POLICE STATION.**

**ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT IN CRIM 122/2014 OF
HEMAMBIKA NAGAR POLICE STATION.**

ANNEXURE C: AFFIDAVIT FILED BY THE R2 DT 13/3/2015.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

P.UBAID, J.
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**Crl.M.C No.1728 of 2015**  
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Dated this the 18th March, 2015

ORDER

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.122 of 2014 of Hemambika Nagar Police Station, registered under Sections 143, 147, 341, 323 and 324 read with Section 149 of Indian Penal Code on the complaint of one Ananthakrishnan. 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 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.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.122 of 2014 of Hemambika Nagar 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