

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

Cr1.MC.No. 1759 of 2015 ()

CRIME NO. 331/2015 OF KANNUR TOWN POLICE STATION, KANNUR

PETITIONER(S) /ACCUSED:

1. VISHAL VINAYALAL AGED 25 YEARS
S/O. VINAYALAL, ANANDMABRATH HOUSE, PO CHOVVA
KANNUR-6
2. VAISHAKHCHATHOTH, S/O BABU, OM NIVAS,
EDACHOVVA, PO CHOVVA, KANNUR-6
3. PRANEESH PREMDAS, AGED 21 YEARS
S/O. PREMDAS, KAKKARAKKAL MANDEN HOUSE, KAKKAD
PO KAKKAD, KANNUR
4. VISHNU PRAKASH AK, AGED 20 YEARS,
S/O. PRAKASH, DWARAKA,
NEAR EDACHOVVA UP SCHOOL, PO CHOVVA, KANNUR-6
5. KIRAN CV, S/O. UNNIKRISHNAN, AGED 23 YEARS
RAMA NIVAS, EDACHOVVA, PO CHOVVA
KANNUR-6

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.ASHIS

RESPONDENT/RESPONDENT/COMPLAINANT:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR HIGH COURT OF KERALA 682031
 2. P.VIJU, S/O. SASIDHARAN, AGED 29 YEARS
PULIKKAMBETH HOUSE, NR. BHAJANAKOVIL, EDACHOVVA
PO CHOVVA, KANNUR-6
- SMT.P.MAYA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.C.SANTHOSHKUMAR

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

RKC

Cr1.MC.No. 1759 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE 1: CERTIFIED COPY OF THE FIR IN CRIME NO. 331 OF 2015 OF KANNUR TOWN POLICE STATION DATED 23.2.2015

ANNEXURE A2: CERTIFIED COPY OF THE FIR IN CRIME NO, 332 OF 2015 OF KANNUR TOWN POLICE STATION DATED 23.2.2015

ANNEXURE A3: AFFIDAVIT DATED 3.3.2015 SWORN BY THE 2ND RESPONDENT

ANNEXURE A4: TRUE COPY OF THE IDENTITY SLIP ISSUED TO THE 2ND PETITIONER BY 110 INF BN (TA) MADRAS, KOVAI TERRIERS

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.UBAID, J.

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Dated this the 1st day of April, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.331/2015 of Kannur Town Police Station registered under Sections 143, 147, 148, 341, 323, 324, 308, 427 and 149 on the complaint of one P.Viju, S/o.Sasidharan. 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.

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 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

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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.331/2015 of Kannur Town Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID,
JUDGE.

rkc.