

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. 1796 of 2015 ()

CRIME NO. 332/2015 OF KANNUR TOWN POLICE STATION, KANNUR

PETITIONERS/ACCUSED:

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1. VIJU AGED 29 YEARS
S/O. SASEENDRAN, PULIKKAMBETH HOUSE, P.O. CHOVVA
KANNUR - 670 006.
 2. ASRITH ANANDH, AGED 25 YEARS
S/O. PRABHANANDH, THUSHARA, ONDENPARAMBA
KANNUR - 670 002.
 3. ANEK T.K., AGED 19 YEARS
S/O. SAHADEVAN, KAKKIRIKKAN HOUSE, ELAYOOR
KANNUR - 670 006.
 4. SOURABH K., AGED 21 YEARS
S/O. LAKSHMANAN K., KUNNIRIKKAL HOUSE, P.O. CHOVVA
EDACHOVVA, KANNUR - 670 006.
 5. LALUPRASAD K.P., AGED 19 YEARS
S/O. LATE SHIVANANDHAN, SHAGIL NIVAS, P.O. CHOVVA
KANNUR - 670 006.
 6. JIBESH R, AGED 29 YEARS
S/O. GOPALAN, NARANGOLI HOUSE, EDACHOVVA
CHOVVA P.O., KANNUR - 670 006.

BY ADVS. SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. KIRAN, AGED 23 YEARS
S/O. UNNIKRIISHNAN, REMA NIVAS, EDACHOVVA
P.O. CHOVVA, KANNUR - 670 006.
 3. RAHUL P., AGED 26 YEARS
S/O. AJITH, SANKRANTHI HOUSE, P.O. CIVIL STATION
KANNUR- 670 002.
- SMT.S.HYMA, PUBLIC PROSECUTOR
R2&3 BY ADV. SRI.K.ASHIS

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

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APPENDIX

PETITIONERS' EXHIBITS

ANNEUXRE I TRUE COPY OF F.I.STATEMENT IN CRIME NO.332/15 OF KANNUR
TOWN POLICE STATION.

ANNEXURE II THE SWORN AFFIDAVIT SIGNED BY R2 AND R3.

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.332/2015 of Kannur Town Police Station registered under Sections 143, 147, 148, 341, 323, 324, 308 r/w 149 IPC on the complaint of one Kiran, S/o.Unnikrishnan. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainants out of court. The de facto complainant is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The other victim of offence who sustained injuries is the respondent No.3. Respondents 2 and 3 have filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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

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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.332/2015 of Kannur Town Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID,
JUDGE.

rkc.