

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936**

**Crl.MC.No. 1834 of 2015 ()**

**CRIME NO. 95/2015 OF WADAKKANCHERY POLICE STATION, TRISSUR DISTRICT**

**PETITIONER/ACCUSED:**

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1. ISRAEL, AGED 34 YEARS  
S/O. POULOSE, MOOLEDATH  
HOUSE, KUNDUKAD P.O.  
THRISSUR DISTRICT
  2. MATHEW @ BINU, AGED 29 YEARS  
S/O. CHACKO, THADATHIL HOUSE  
VATTAPARA DESOM, KUNDUKAD P.O.  
THRISSUR DISTRICT
  3. YAKOOB @ BIJU, AGED 27 YEARS  
S/O. CHACKO, THADATHIL HOUSE  
VATTAPARA DESOM, KUNDUKAD P.O.  
THRISSUR DISTRICT

BY ADVS.SRI.SANTHOSH P.PODUVAL  
SMT.R.RAJITHA  
SRI.K.D.SREEVISAKH

**RESPONDENTS/STATE & DEFACTO COMPLAINANT:**

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1. STATE OF KERALA REPRESENTED BY  
THE PUBLIC PROSECUTOR, HIGH COURT  
OF KERALA, ERNAKULAM - 682031
  2. VAVACHAN, S/O. JOHN, KATTAKKAL HOUSE  
KUNDUKAD, VATTAPARA DESOM  
THEKKUMKARA VILLAGE  
THRISSUR - 680589

R2 BY ADV. SRI.M.REVIKRISHNAN  
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**CRL.M.C.No.1834/2015**

**APPENDIX**

**PETITIONERS' EXHIBITS**

**ANNEXURE-A CERTIFIED COPY OF THE FIR IN CRIME NO.95/2015 OF  
WADAKKANCHERY POLICE STATION**

**ANNEXURE-B AFFIDAVIT SWORN BY THE 2ND RESPONDENT**

**RESPONDENTS' EXHIBITS**

**NIL**

**// TRUE COPY // P.A. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.1834 of 2015  
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Dated this the 20<sup>th</sup> day of March, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.95/2015 of the Wadakkanchery Police Station, registered under Sections 341, 323 and 326 read with 34 IPC, on the complaint of one Vavachan. 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 Vavachan is the 2<sup>nd</sup> 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 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.95/2015 of the Wadakkanchery Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-  
P. UBAID, JUDGE

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