

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 2027 of 2015 ()

CRIME NO. 6/2015 OF KANNUR CITY POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED :

1. JITHIN K, AGED 18 YEARS,
S/O.JAYANANDAN, NARAYANEEYAM,
P.O THOTTADA,KANNUR.
2. SANGEETH K.K., AGED 18 YEARS,
S/O.SAJEEVAN, SUNIL BHAVAN, P.O THOTTADA,
KANNUR.
3. ATHUL K.U., AGED 22 YEARS,
S/O.PRAKASHAN, DEVAKI NIVAS, P.O THOTTADA,
KANNUR- 7.
4. RIJIN.K., AGED 23 YEARS,S/O.RAMESHAN P.V,
KUNUMPURATH HOUSE, P.O THOTTADA, KANNUR.
5. JALESH K., AGED 34 YEARS,
S/O.PAVITHRAN, JOSNA NIVAS, P.O THOTTADA,KANNUR.

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031.
2. P.SEKHARAN,AGED 68 YEARS,
S/O.T.P.K NAMBIAR, 'NEETI', 42-GOLDEN ENCLAVE,
THOTTADA, KANNUR- 670 007, SECRETARY,
GOLDEN ENCLAVE HOUSE OWNERS WELFARE ASSOCIATION
THOTTADA, KANNUR.

**R1 BY SR GOVERNMENT PLEADER SMT. SAREENA GEORGE.P.
R2 BY ADV. SRI.S.R.SREEJITH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2027 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1. COPY OF THE FIR IN CRIME NO.6 OF 2015 OF KANNUR CITY POLICE STATION, KANNUR DISTRICT.

ANNEX A11. COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT ON BEHALF OF THE GOLDEN ENCLAVE HOUSE OWNERS WELFARE ASSOCIATION ENDORSING THE FACTUM OF COMPOUNDING OF THE ABOVE SAID OFFENCES AND THE SETTLEMENT OF DISPUTES BETWEEN THE PARTIES.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P. UBAID, J.

Crl.M.C.No.2027 of 2015

Dated this the 27th day of March, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.6/2015 of the Kannur City Police Station, registered under Sections 143, 147, 148, 452, 506(i) and 427 read with 149 IPC, on the complaint of one Sekharan. 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, Sekharan 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 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.6/2015 of the Kannur City Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

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