

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Cr1.MC.No. 2115 of 2015

CRIME NO. 512/2015 OF OLLUR POLICE STATION , TRISSUR

PETITIONER:

BYJU M.R, AGED 39 YEARS,
S/O.RAPPAI M.R, MANAGING PARTNER,
PENTA DIES,
MAJOR INDUSTRIAL ESTATE,
OLLUR, THRISSUR,
PIN - 680 306

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT:

1. MANOJ M. NAIK, AGED 46 YEARS,
S/O.MANO HAR NAIK,
B/171, DIVINE HERITAGE,
C.H.S JESAL PARK,
BHAYANDER (E), THANE.
2. THE SUB INSPECTOR OF POLICE,
OLLUR, THRISSUR DISTRICT
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

R1 BY ADV. SMT.B.L.RENJU

R2 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2115 of 2015

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE F.I.R IN CRIME NO.512/2015 DATED 23.3.2015 OF OLLUR POLICE STATION.

ANNEXURE 2: COPY OF THE PAYMENT RECEIPT DATED 27.3.2015

ANNEXURE 3: COPY OF THE COMPOUNDING AFFIDAVIT EXECUTED BY THE DEFACTO COMPLAINANT/1ST RESPONDENT DATED 27.3.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2115 of 2015

Dated this the 31st day of March, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.512/2015 of the Ollur Police Station, registered under Sections 420 of the Indian Penal Code on the complaint of one Manoj M.Naik. 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 Manoj M.Naik is the 1st 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 revisional stage; if the parties have really settled the whole dispute, or if continuance of the 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.512/2015 of the Ollur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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