

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

CrI.MC.No. 2156 of 2015 ()

CRIME NO. 11/2015 OF KARIPUR POLICE STATION , MALAPPURAM

PETITIONER(/ACCUSED):

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1. PARAMBADAN UNNIMUHAMED AGED 64 YEARS  
KAKKANALIL HOUSE, NEETTANIMEL, THURAKKAL P.O,  
KONDOTTY, MALAPPURAM.
  2. ASLAM, S/O.UNNIMUHAMMED, AGED 33 YEARS,  
RESIDING -DO -DO-
  3. KALAF, S/O.UNNIMUHAMMED, AGED 29 YEARS,  
RESIDING -DO-
  4. SAIDALAVI, UNNIMUHAMMED, AGED 25 YEARS,  
RESIDING -DO- -DO-

BY ADV. SRI.V.A.VINOD

RESPONDENT(S):

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1. FIROZ, S/O.BEERANKUTTY, AGED 29 YEARS,  
KANNANCHERRY HOUSE,  
NEETTANIMEL, THURAKKAL P.O, KONDOTTY,  
MALAPPURAM DISTRICT 673 638.
  2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM 682 031..

R1 BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT  
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

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ANNEXURE I: TRUE COPY OF THE FIRST INFORMATION REPORT INCLUDING  
FIRST INFORMATION STATEMENT IN CRIME NO.11/15 OF KARIPUR POLICE  
STATION

ANNEXURE II: TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 1ST  
RESPONDENT

RESPONDENTS EXHIBITS:

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/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
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**Crl.M.C No.2156 of 2015**  
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**Dated this the 8<sup>th</sup> April, 2015**

**ORDER**

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.11 of 2015 of Karipur Police Station, registered under Sections 323, 324 and 506 (ii) read with Section 34 of Indian Penal Code on the complaint of one Firoz. 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 1<sup>st</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 now.

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 against the petitioners herein in crime No.11 of 2015 of Karipur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-  
P.UBAID  
JUDGE**

ma

/True copy/

P.S to Judge