

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Cri.MC.No. 2249 of 2015 ()

CRIME NO. 1069/2014 OF PALODE POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. SALI MUHAMMED, AGED 70 YEARS,
AISHA MANZIL, VANCHUVAM, NEDUMANGADU,
THIRUVANANTHAPURAM - 695 562**
- 2. ANABIYA SALI, AGED 60 YEARS,
W/O.SALI MUHAMMED, AISHA MANZIL, VANCHUVAM,
NEDUMANGADU, THIRUVANANTHAPURAM - 695 562.**
- 3. AISHA MOL, AGED 32 YEARS,
D/O.MUHAMMED SALI, AISHA MANZIL, VANCHUVAM,
NEDUMANGADU, THIRUVANANTHAPURAM - 695 562.**

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. BIJU SHAMSUDEEN, S/O.SHAMSUDEEN KUNJU, AGED 39 YEARS,
EDAPPALLIYIL PUTHEN VEEDU,
EDAPPALLIKOTTA P.O. KARUNAGAPPALLY
KOLLAM - 690 544.**

**R2 BY ADV. SRI.A.S.SHAMMY RAJ
R1 BY SMT.SREELATHA PARAMESWARAN, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

APPENDIX

PETITIONER(S)' EXHIBITS:

- ANNX.1 - CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.1069/2014 OF PALODE POLICE STATION.**
- ANNX.2 - TRUE COPY OF THE COMPROMISE AGREEMENT ENTERED
INTO BETWEEN THE PARTIES.**
- ANNX.3 - COMPROMISE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.2249 of 2015

Dated this the 27th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1069/2014 of the Palode Police Station registered under Sections 312 and 34 IPC, on the complaint of one, Biju Shamsudeen. 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 Biju Shamsudeen 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. On a perusal of the complaint, I find something suspicious. Any way, the parties have settled the whole dispute, and another prosecution under Section 498A IPC also stands quashed.

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.1069/2014 of the Palode Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

TRUE COPY

P.A TO JUDGE

sd