

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

Cr1.MC.No. 2324 of 2015

CRIME NO. 92/2013 OF PANANGAD POLICE STATION, ERNAKULAM

PETITIONERS:

1. PLATINO CLASSIC MOTORS (INDIA) PRIVATE LIMITED,
NH 47, BY PASS ROAD, MARADU P.O,
COCHIN - 682 304
REPRESENTED BY ITS MANAGING DIRECTOR, P.P.ASHIQUE
RESIDING AT 28/729, PONNAM PARAMBATH HOUSE,
CHEVAYUR POST, KOZHIKODE 673 017.
2. P.P.ASHIQUE, RESIDING AT 28/729,
PONNAM PARAMBATH HOUSE, CHEVAYUR POST,
KOZHIKODE 673 017.
3. SHAMINA,
W/O.P.P.ASHIQUE, RESIDING AT 28/729,
PONNAM PARAMBATH HOUSE, CHEVAYUR POST,
KOZHIKODE 673 017.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS/STATE & DEFACTO COMPLAINT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM (REPRESENTING THE ASSISTANT COMMISSIONER OF
POLICE
CRIME DETACHMENT, EDAPPALLY, ERNAKULAM DISTRICT)
2. G.VENKITESHWARA PRABHU, AGED 35 YEARS,
S/O.GOPALAKRISHNA PRABHU, H NO.8/1013, KARTHIK NIVAS,
R.G.PAI ROAD, COCHIN 682 002, ERNAKULAM.

R2 BY ADV. SRI.ASHIK K.MOHAMMED ALI

R2 BY ADV. SMT.SAJNA T.UMMER

R2 BY ADV. SMT.V.RAIMA RAMESH

R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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

Cr1.MC.No. 2324 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1: CERTIFIED COPY OF THE COMPLAINT OF THE 2ND RESPONDENT.

A2: CERTIFIED COPY OF THE FIR IN CRIME NO.92/2013 OF THE PANAGAD
POLICE STATION

A3: AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2324 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.92/2013 of the Panangad Police Station, registered under Sections 120B, 420 463, 465, 467, 468 and 471 r/w 34 of the Indian Penal Code on the complaint of one Venkiteshwara Prabhu. Orders are sought on the ground of amicable settlement of the whole dispute between all the accused and the de facto complainant out of court. The de facto complainant Venkiteshwara Prabhu 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 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.92/2013 of the Panangad Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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