

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. 2344 of 2015

CRIME NO. 1134/2014 OF OTTAPALAM POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED 1 TO 3:

1. MUHAMMEDALI, AGED 75 YEARS,
S/O.KUNCHAMU, KARUPPEN VEEDU, 19TH MILE,
OTTAPPALAM, PALAKKAD DISTRICT.
2. NOUFAL, AGED 38 YEARS,
S/O.MUHAMMEDALI, KARUPPEN VEEDU, 19TH MILE
OTTAPPALAM, PALAKKAD DISTRICT.
3. NAMEESH, AGED 28 YEARS,
S/O.MUHAMMEDALI, KARUPPEN VEEDU, 19TH MILE,
OTTAPPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.T.PRASAD

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
OTTAPPALAM POLICE STATION,
PALAKKAD DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. RAMANKUTTY NAIR, AGED 77 YEARS,
S/O.LATE KESAVA PANICKER, KARUTHODI,
OTTAPPALAM P.O,
PALAKKAD DISTRICT - 679 101.

R2 BY ADV. SRI.A.HAROON RASHEED

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. 2344 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: THE CERTIFIED COPY OF F.I.R IN CRIME NO.1134/2014 OF
OTTAPPALAM POLICE STATION, DATED 26/9/2014.

ANNEXURE 2: COPY OF THE MEMORANDUM OF SETTLEMENT DEED DATED
8/1/2015

ANNEXURE 3: COPY OF THE JUDGMENT IN CRL.M.C 593/2015 DATED
2/3/2015

ANNEXURE 4: THE ORIGINAL COPY OF THE AFFIDAVIT EXECUTED BY THE
2ND RESPONDENT DATED 26/03/2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2344 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.1134/2014 of the Ottappalam Police Station, registered under Sections 380, 447, 457 and 458 r/w 34 of the Indian Penal Code on the complaint of one Ramankutty Nair. 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 Ramankutty Nair 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.1134/2014 of the Ottappalam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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