

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.MC.No. 2397 of 2015 ()

CRIME NO. 1450/2014 OF KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT

PETITIONERS/1 TO 4TH ACCUSED:

- 1. NAZEER KHAN @ KUNJUMON, AGED 35 YEARS
S/O SHAHUL HAMEED, KANJIRAMVILLA VADAKKATHIL
T.K.M. COLLEGE P.O., KOLLAM TALUK
KOLLAM DISTRICT-691005.**
- 2. ANSARI, AGED 30 YEARS
S/O ABDUL KHADAR, PONGOTTUVILA VEEDU, MANGADU P.O.
KOLLAM TALUK, KOLLAM DISTRICT.**
- 3. ANANDU P
S/O PRAKASH @ BABU, VILAKKUMTHARA, KARICODE
T.K.M.C. P.O., KOTTAMKARA, KOLLAM DISTRICT-691005.**
- 4. SAMEER KHAN
S/O NURUDEEN, PATTANICHIRAVEEDU, KARICODE
T.K.M.C. P.O., KOLLAM DISTRICT-691005.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KILLIKOLLOOR POLICE STATION
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. SIYAD, AGED 34 YEARS
S/O ABDUL KHALAM, ANANTHAMVEETIL KIZHAKATHIL
KANDACHIRA CHERRY, PANAYAM VILLAGE, PERINADU P.O.
KOLLAM DISTRICT.**
- R1 Sr. BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.
R2 BY SRI.G.SANTHOSH KUMAR (P).**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.1450/15 OF KILIKOLLOOR POLICE STATION.**

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.2397 of 2015

Dated this the 10th day of April, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1450/2014 of the Killikolloor Police Station, registered under Sections 143, 147, 148, 341, 323, 324, 364 and 506(ii) read with 149 IPC on the complaint of one Siyad. 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 Siyad 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 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.1450/2014 of the Killikolloor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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