

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 2404 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CMP 1742/2012 of J.F.CM.-I,HOSDRUG DATED
CRIME NO. 59/2012 OF RAJAPURAM POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

- 1. P.J.RAJU, AGED 49 YEARS,
S/O.LATE P.J.JOHN, PERUMBETTU HOUSE, PANATHUR,
PANATHADY VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
- 2. P.J.JOY, AGED 57 YEARS,
S/O.LATE P.J.JOHN, PERUMBETTU HOUSE, PANATHUR,
PANATHADY VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. KAMMATTAIL ANI, AGED 47 YEARS,
W/O.BALAKRISHNAN NAIR, R/AT PATTUVAM, PANATHUR P.O.,
PANATHADY VILLAGE, VELLARIKUNDU TALUK
KASARAGOD DISTRICT, PIN-671533.**

**R2 BY ADV. SRI.P.YADHU KUMAR
R BY PUBLIC PROSECUTOR SMT. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2404 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE I- A TRUE COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT
IN C.M.P. NO. 1742 OF 2012 BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, HOSDURG DATED 29.02.2012.**

**ANNEXURE II- A TRUE COPY OF THE F.I.R. DATED 01.03.2012 IN CRIME NO. 59/2012
OF RAJAPURAM POLICE STATION.**

**ANNEXURE III- A TRUE COPY OF THE AFFIDAVIT FILED BY 2ND RESPONDENT
DATED 03.03.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A. TO JUDGE

rkj

P.UBAID, J.

=====

Crl.M.C.No.2404 of 2015

=====

Dated this the 28th day of July, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.59 of 2012 of Rajapuram Police Station, Kasargod registered under Sections 417, 419, 465, 468 and read with Section 34 of the Indian Penal Code on the complaint of one Kammattail Ani. 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 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she 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 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.59 of 2012 of Rajapuram Police Station, Kasargod will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE