

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. 2405 of 2015 ()

AGAINST CMP 7434/2014 of C.J.M.,THRISSUR
CRIME NO. 3539/2014 OF TOWN EAST POLICE STATION , THRISSUR

PETITIONER(S):

1. MERCY AGED 60 YEARS,
W/O.T.M.JOSE,
THALEKKADAN HOUSE,
STREET NO.21, KRISHNAPURAM,
OLLUKARA, THRISSUR – 680 655.
2. MANOJ, AGED 38 YEARS,
S/O.T.M.JOSE,
THALEKKADAN HOUSE,
STREET NO.21, KRISHNAPURAM,
OLLUKARA, THRISSUR – 680 655.
3. ROSH, AGED 40 YEARS,
S/O.RAPHEAL,
THALEKKADAN HOUSE,
PRASSAD ROAD,
OLLUKARA, THRISSUR – 680 655.

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENT(S)/COMPLAINANT/STATE:

1. VALSARAJ, AGED 45 YEARS,
S/O.PRABHAKARAN, NANDANAM HOUSE,
VIYYOOR, THRISSUR DISTRICT – 680001.
2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA – 682 031.

R1 BY ADV. SMT.MINI GOPINATH

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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

Crl.MC.No. 2405 of 2015

APPENDIX

PETITIONERS' EXHIBITS:

ANNEXURE A1: CERTIFIED COPY OF THE COMPLAINT FILED BY THRE 1ST
RESPONDENT

ANNEXURE A2: CERTIFIED COPY OF THE F.I.R.

ANNEXURE A3: AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2405 of 2015**  
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Dated this the 10th April, 2015

ORDER

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.3539 of 2014 of Thrissur East Police Station, registered under Sections 420 and 468 read with Section 34 of Indian Penal Code on the complaint of one Valsaraj. 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 1st 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 now.

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 against the petitioners herein in crime No.3539 of 2014 of Thrissur East Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge