

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. 2439 of 2015 ()

CRIME NO. 194/2014 OF THRIKKAKARA POLICE STATION , ERNAKULAM

PETITIONER(S):

**M.V.VIJESH
S/O VIJAYAN
MOLATH HOUSE
BMC P.O, COCHIN - 21**

BY ADV. SRI.C.AJITH KUMAR (KALLESSERIL)

RESPONDENT(S):

**1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

**2. BIBIN DAS
AGED 31 YEARS, S/O SADASIVAN
THATTAMPARAMBIL HOUSE
THOPPIL BHAGAM, THRIKKAKARA 682 030
ERNAKULAM DISTRICT**

**R1 BY ADV. SRI.JELSON J.EDAMPADAM
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. 2439 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

**A1: CERTIFIED COPY OF THE FIR IN CRIME NO.194 OF 2014 OF THRIKKAKARA
POLICE STATION**

A2: AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.2439 of 2015

Dated this the 10th day of April, 2015.

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.194 of 2015 of the Thrikkakara Police Station registered under Sections 448, 506(ii), 341, 323 and 427 on the complaint of one Bibin Das. 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 Bibin Das 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. 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.194 of 2015 of the Thrikkakara Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE

sab