

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 2527 of 2015 ()

CRIME NO. 260/2015 OF ANGAMALI POLICE STATION.

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PETITIONERS/ACCUSED 1 TO 3:

- 1. BINDHU SAJI, AGED 40 YEARS,
W/O. SAJI M.VARGHESE, MALAYIDAM HOUSE, V1/440B,
KALLANKUDUMUGAL ROAD, NEAR VIJO BHAVAN,
THRIKKAKARA, KAKKANAD-682 023.**
- 2. SAJI VARGHESE MALAYIDAM, S/O. VARGHESE,
AGED 45 YEARS, MALAYIDAM HOUSE, V1/440B,
KALLANKUDUMUGAL ROAD, NEAR VIJO BHAVAN,
THRIKKAKARA, KAKKANAD-682 023.**
- 3. VARGHESE KAPPATTI, S/O. VARGHESE,
AGED 58 YEARS, V.J. INTERNATIONAL OPPOSITE CSEZ,
KAKKANAD-682 037.**

BY ADV. SRI.B.RAMACHANDRAN.

RESPONDENT/DEFACTO COMPLAINANT AND STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. JIBY PAUL, AGED 43 YEARS,
W/O. PAUL KOORAN JOHN, THAZHATHUPARAMBIL HOUSE,
PULLIYANAM P.O., ANGAMALY, ERNAKULAM-683 572.**

**R1 BY PUBLIC PROSECUTOR SMT.V.H. JASMINE.
R2 BY ADV. SMT.MEREENA JOSEPH.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1. CERTIFIED COPY OF FIR NO. 260/2015 DATED 29/01/2015 OF
ANGAMALY POLICE STATION.**

**ANNEXURE A2 ORIGINAL AFFIDAVIT DATED 20/04/2015 SIGNED BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.UBAID, J.

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Crl.M.C.No.2527 of 2015

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Dated this the 18th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.260 of 2015 of the Angamaly Police Station, registered under Sections 383, 386, 388, 389 and 506(ii) read with Section 120(B) of the Indian Penal Code on the complaint of one Jiby Paul. 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 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.

3. The victim's affidavit shows that some minor difference of opinion led to the present dispute, and that complaint in fact happened to made on some misapprehension. Anyway, the parties have resolved the whole dispute forever, and a connected case also stands quashed by this Court as per the order in Crl.M.C.2538 of 2015.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.260 of 2015 of the Angamaly Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE