

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2726 of 2015

**CRIME NO. 983 OF 2014 OF VALANCHERRY POLICE STATION ,
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

- 1. MUSTHAFA,
S/O.NAMBRATH USSANKUTTY, KOTTARATH HOUSE,
KATTIPARUTHI AMSOM, VALANCERY DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.**
- 2. MUSTHAFA,
S/O.ABOOBACKER, KULAPPURATH PADINHARETHIL HOUSE,
VALANCERY --PO, TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S)/STATE & DEFACTO -COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031,
(REPRESSING SUB INSPECTOR OF POLICE, VALANCHERY)**
- 2. ABDUL GAFOOR.M, AGED 28 YEARS,
S/O.MELETHIL UMMAR,
EZHUVANTHALA AMSOM DESOM, OTTAPALAM TALUK,
PALAKKAD DISTRICT- 679 101.**

**R1 BY SR.PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI
R2 BY ADV. SMT.T.J.MARIA GORETTI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A: TRUE COPY OF THE COMPLAINT PREFERRED BY
THE SECOND RESPONDENT BEFORE THE JFCM COURT,
TIRUR.

ANNEXURE B: TRUE COPY OF THE F.I.R REGISTERED BY VALANCHERY
POLICE IN CRIME NO.983/2014.

ANNEXURE C: THE AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT
DATED 13-04-2015.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl. M.C No.2726 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.983 of 2014 of Valanchery Police Station, registered under Sections 341, 323, 324, 363, 384, 386, 506(ii) r/w 34 of IPC on the complaint of one Abdul Gafoor. 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 Abdul Gafoor 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. The connected case which led to the incident in this case, also stands settled and quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.983 of 2014 of Valanchery Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE