

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

CrI.MC.No. 1567 of 2014 ()

CRIME NO. 374/2014 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONERS/ACCUSED NOS. 1 TO 3:

- 1. JAYAKUMAR @ JAYAN, AGED 30 YEARS
THANNIKUNNIL VEEDU, CHURAKODU MURI
ERATH VILLAGE, PATHANAMTHITTA DIST**
- 2. SHAFIK , AGED 32 YEARS
KAKKAPURAPADINJATHETHIL, ARUKALIKAL WEST
EZHAMKULAM VILLAGE, PATHANAMTHITTA DIST**
- 3. BINU THOMAS, AGED 35 YEARS
NIRAPIL PUTHENVEEDU, EZHAMKULAM
PATHANAMTHITTA DISTRICT**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS/COMPLAINANT/STATE & DEFACTO COMPLAINANT/INJURED:

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
(THROUGH STATION HOUSE OFFICER ADOOR POLICE STATION
PATHANAMTHITTA DIST)**
- 2. SUDARSHANAN, AGED 46 YEARS
VALIYELAPULIMOOTTIL VEEDU, PARAVILAKONAM
THINKAL KARIKOM VILLAGE, KOLLAM DIST, PIN-691310**
- 3. DILEEP, AGED 37 YEARS
S/O.K BABU, VILAYIL KIZHAKETHIL, MAROOR
ENADIMANGALAM VILLAGE , ADOOR, EDATHANATTUKARA-691523**

**R2-R3 BY ADV. SRI.B.H.ANSIL
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1567 of 2014 ()

APPENDIX

PETITIONERS' EXHIBITS

A:-A TRUE COPY OF F I R IN CRIME NO 374/2014 OF ADOOR POLICE STATION

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1567 of 2014

Dated this the 18th day of February, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.374/2014 of the Adoor Police Station, registered under Sections 143, 147, 148, 149, 323, 294(b), 324 and 308 IPC on the complaint of one Sudarshanan. 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, Sudarshanan 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. The other person who sustained injuries in the alleged incident is the respondent No.3. He has also filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint now. On a perusal of the FIR and the First Information Statement, I find that Section 308 IPC was incorporated in the FIR by the police on the basis of some

hypothetical statement. What is at the most attracted is Section 324 IPC. Any way, the parties have come to terms.

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. 374/2014 of the Adoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

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