

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No. 2846 of 2015 ()

CRIME NO. 404/2015 OF WADAKKANCHERY POLICE STATION, TRISSUR

PETITIONERS/ACCUSED 1 & 2 :

- 1. PRASANTH, S/O.NARAYANAN AGED 27 YEARS
KOLOTH HOUSE, MINALUR, THALAPPILLY TALUK.**
- 2. DASAN @ DHANESH
S/O.PARAMESWARAN, AGED 25 YEARS
KULANGARAPARAMBIL HOUSE, P.O.MEDICAL COLLEGE
THRISSUR.**

BY ADV. SRI.C.A.CHACKO

RESPONDENTS/COMPLAINANT & DE FACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE,
WADAKKANCHERY POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUNILKUMAR P.S., AGED 30 YEARS,
S/O.SHANMUGHAN, PENNATHETHIL HOUSE,
PANANGATTUKARA P.O., KALLAMPARA DESOM,
THRISSUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.C.K. JAYAKUMAR
R2 BY ADV. SRI.BENNY VARGHESE (THETTAYIL)**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 2846 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.A1: TRUE COPY OF FIR AND FIS DATED 5/5/2015 IN CRIME NO.404/2015 OF
WADAKKANCHERY POLICE STATION.**

ANNX.A2: AFFIDAVIT DATED 9/5/2015 OF 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

Crl. M.C No. 2846 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.404 of 2015 of the Wadakkanchery Police Station, registered under Sections 341, 323, 324 r/w 34 of IPC on the complaint of one Sunilkumar. 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 Sunilkumar 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 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.404 of 2015 of the Wadakkanchery Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P.UBAID,
JUDGE

sab