

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 2890 of 2015

**CRIME NO. 306/2015 OF VATTIYOORKAVU POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER/DEFACTO COMPLAINANT :-

**FAIZAL SALIM, S/O.MUHAMMED SALIM,
AGED 23 YEARS, GREEN'S HOUSE,
K.K.LANE, POTTAKUZH, Y,
MURINJAPALAM.**

BY ADV. SRI.M.R.SASITH PANICKER

RESPONDENTS/ 1 TO 3 ACCUSED :-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682031.**
- 2. SUB INSPECTOR OF POLICE,
VATTIYOORKAVU POLICE STATION,
THIRUVANANTHAPURAM, PINCODE -695001.**
- 3. HILAL ABOOBAKER, S/O.ABOOBAKER,
AGED 44 YEARS, DREAM REAM,
TC 6/2309, TRA 108, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM - 695001.**
- 4. SUNIL ALIAS SHIBU, S/O.MUHAMMED KUNJU,
AGED 41 YEARS, DREAMS, TC 6/2309, TRA 108,
VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM - 695001.**
- 5. SINI S.K. ALIAS SIMI,
D/O.MUHAMMED KUNJU,, AGED 34 YEARS,
DREAM REAMS,
TC 6/2309, TRA 108, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM - 695001.**

-2-

- 6. SALMA KUNJU, W/O.MUHAMMED KUNJU,
AGED 58 YEARS, DREAM REAMS,
TC 6/2309, TRA 108, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM - 695001.**

**R1 BY SMT.V.H.JASMINE, GOVERNMENT PLEADER
R3-R6 BY ADV. SRI.V.VINAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, ALONG WITH CRMC. 2892/2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 2890 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FIR NO.306/2015 OF VATTIYOORKAVU POLICE
STATION, THIRUVANANTHAPURAM.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====

Crl.M.C.No.2890 of 2015

=====

Dated this the 29th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.306 of 2015 of Vattiyoorkavu Police Station, registered under Sections 324, 323, 294B, 506(1), 354, 308, 427 and 34 of the Indian Penal Code. 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 petitioner in this Crl.M.C. brought under Section 482 of the Code of Criminal Procedure.

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.

3. I find that the alleged incident in which persons on both sides sustained injuries arose out of some family dispute. All those

disputes stand settled. A counter case registered by the police also stands settled.

4. On a perusal of the complaint, I find that Section 308 IPC was incorporated in the FIR by police on the basis of a hypothetical statement. This is only a simple case of mischief and assault.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No Crime No.306 of 2015 of Vattiyoorkavu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE