

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. 2892 of 2015

**CRIME NO.307/2015 OF VATTIYOORKAVU POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/DEFACTO COMPLAINANT :-

**HILAL ABOOBAKER, S/O.ABOOBAKER,
AGED 44 YEARS, DREAM REAM, T.C.6/2309,
TRA 108, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.V.VINAR

RESPONDENT(S)/1 TO 3 ACCUSED :-

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- 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. MUHAMMED SALIM, AGED 58 YEARS,
S/O.ABDULLA KUTTY, GREEN'S HOUSE, K.K.LANE,
POTTAKUZH, MURINJAPALAM, PATTOM P.O.,
THIRUVANANTHAPURAM-695001.**
 - 4. FAISAL, AGED 23 YEARS,
S/O.MUHAMMED SALIM, GREEN'S HOUSE, K.K.LANE,
POTTAKUZH, MURINJAPALAM, PATTOM P.O.,
THIRUVANANTHAPURAM-695001.**
 - 5. FOUZIYA, AGED 28 YEARS, W/O.SUNIL,
GREEN'S HOUSE, K.K.LANE,
POTTAKUZH, MURINJAPALAM, PATTOM P.O.,
THIRUVANANTHAPURAM-695001.**

**R3 TO R5 BY ADV. SRI.M.R.SASITH
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29-07-2015, ALONG WITH CRL.M.C.2890/2015,THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 2892 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1: TRUE COPY OF THE FIR NO.307/15 OF VATTIYOORKAVU POLICE
STATION, THIRUVANANTHAPURAM.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.2892 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.307 of 2015 of Vattiyoorkavu Police Station, registered under Sections 452, 324, 323, 354, 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.

In the result, this petition is allowed. The F.I.R and further

proceedings in Crime No.307 of 2015 of Vattiyoorkavu 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