

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Cr1.MC.No. 3454 of 2015

CRIME NO. 883/2014 OF KONNI POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED:

ANU ALEX, AGED 30 YEARS,
S/O.K.S.ALEXANDER, KOCHUMURIYIL HOUSE,
PAYYANAMAN P.O,
KONNI THAZHAM VILLAGE, KONNI TALUK,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.VISHNU BHUVANENDRAN

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ABRAHAM K.B, AGED 59 YEARS,
S/O.LATE K.BABY, KOZHIKUNNATHU, OMALLOOR P.O,
PUTHEN PEEDIKA, OMALLOOR VILLAGE
PATHANAMTHITTA DISTRICT - 689 647.
3. JINCY ABRAHAM, AGED 26 YEARS,
D/O.ABRAHAM K.B., KOZHIKUNNATHU, OMALLOOR P.O,
PUTHEN PEEDIKA, OMALLOOR VILLAGE,
PATHANAMTHITTA DISTRICT - 689 647.

R2 BY ADV. SRI.C.U.SANGEETH
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3454 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE FIR IN CRIME NO.883/2014.

ANNEXURE II: COPY OF THE STATEMENT OF THE DEFACTO COMPLAINANT.

ANNEXURE III: COPY OF THE AFFIDAVIT OF COMPROMISE FILED BY
DEFACTO COMPLAINANT

ANNEXURE IV: COPY OF THE AFFIDAVIT OF COMPROMISE FILED BY VICTIM

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.3454 of 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.883/2014 of the Konni Police Station, registered under Sections 66 and 67 of the Information Technology Act, and Section 384 of the Indian Penal Code on the complaint of one Abraham. 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 Abraham 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. The victim of offence in this case is the 3rd respondent. She also filed affidavit to the effect that she has settled the dispute with the accused, and she has no grievance or complaint now.

3. 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 revisional stage; if the parties have really settled the whole dispute, or if continuance of the 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.883/2014 of the Konni Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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