

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Cr1.MC.No. 4177 of 2015

CRIME NO. 381/2015 OF KANNAPURAM POLICE STATION , KANNUR

PETITIONERS/ACCUSED:

1. U.S. SAJEESH, AGED 27 YEARS,
S/O SANJEEVACHANDRAN, KOTTAPPAALAM,
PAPPINISSERI WEST
KANNUR TALUK/DISTRICT.
2. SAJITH, AGED 25 YEARS,
S/O SAJITH, SOCIETY ROAD, ANCHAM PEEDIKA POST,
KANNUR TALUK/DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. ABDUL ROUF M, AGED 42 YEARS
S/O MUHAMMED, AMANATH HOSUE, VALLANCHIRA,
ANCHAMPEEDIKA POST, KANNUR DISTRICT-670331.
3. JAMSHEERA P.M, AGED 32 YEARS,
W/O ABDUL ROUF M, AMANATH HOUSE, VALLANCHIRA,
ANCHAMPEEDIKA POST, KANNUR DISTRICT-670331.

R2 & R3 BY ADV. SRI.D.ANIL KUMAR

R1 BY PUBLIC PROSECUTOR SMT.SREEELATHA PARAMESHWARAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4177 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE IN FIR TOGETHER WITH FIS IN CRIME NO.381
OF 2015 OF KANNAPURAM POLICE.

ANNEXURE B: COPY OF THE AFFIDAVIT DATED 2.7.2015 SWORN TO BY THE
2ND AND 3RD RESPONDENTS.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4177 of 2015

Dated this the 27th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.381/2015 of the Kannapuram Police Station, registered under Sections 341, 323, 324, 354, 308 r/w 34 of the Indian Penal Code on the complaint of one Abdul Rouf. 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 Abdul Rouf 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 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.

3. On a perusal of the materials including the complaint that lead to the crime, I find nothing definite for a prosecution under Section 308 of IPC. I find that the police incorporated Section 308 IPC in the FIR on the basis of a purely hypothetical statement. This is only a case of assault, and the complaint is not even sufficient to attract Section 354 IPC. Anyway, the parties have settled the whole dispute, and in such a situation it is appropriate that the proceeding be closed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.381/2015 of the Kannapuram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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