

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Cr1.MC.No. 4314 of 2015

CRIME NO. 267/2015 OF MANJERI POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

SABITH RAHMAN,
S/O.KHASIM, KALLENGAL HOUSE, KARUVAMBRAM,
PULLUR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
KOCHI - 682 031 - FOR THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.

2. SABREENA,
D/O.ISHAQUE, NALAKATH HOUSE, VAZHAYIL,
AREACODE, MALAPPURAM DISTRICT, PIN - 673 639.

R2 BY ADV. SRI.R.RANJITH (K/489/2011)
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4314 of 2015

APPENDX

PETITIONER'S ANNEXURES:

ANNEXURE A. COPY OF THE COMPLAINANT SUBMITTED BY THE 2ND
RESPONDENT BEFORE THE SUPERINTENDENT OF POLICE, MALAPPURAM DATED,
06.02.2015.

ANNEXURE B. COPY OF THE F.I.R. IN CRIME NO.267/2015 OF THE
MANJERI POLICE STATION DATED 07.02.2015.

ANNEXURE C. COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
DATED, 26.06.2015.

ANNEXURE D. COPY OF THE AFFIDAVIT SWORN TO BY THE MOTHER OF THE
DEFACTO COMPLAINANT DATED, 26.06.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4314 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.267/2015 of the Manjeri Police Station, registered under Sections 341, 323, 354 and 509 of the Indian Penal Code on the complaint of one Sabreena. 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 Sabreena is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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. The learned Public Prosecutor submitted on instruction from the Station House Officer and the institution that both the parties have left the institution, and that there is no other similar complaint against the petitioner herein.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.267/2015 of the Manjeri Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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