

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

Crl.MC.No. 4341 of 2015

CRIME NO. 91/2015 OF CHITTARIKAL POLICE STATION , KASARGOD

PETITIONER/ACCUSED :-

**SHIJU A.S.,
S/O SUBANU VIKRAMAN,
AGED 33 YEARS,
AZHUPARATHOTTIYIL HOUSE, KOLLADU,
KAMBALLUR, KASARGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENTS/RESPONDENTS :-

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, COCHIN-682031.**

**2. BINDU.P.ANIKAT KUNNEL,
W/O.REJI, AGED 39 YEARS,
KOLLADA, KAMBALLUR,
KASARGOD DISTRICT.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY SRI.S.U.NAZAR**

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

Crl.MC.No. 4341 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1 : A CERTIFIED COPY OF THE FIR IN CRIME NUMBER 91/2015 OF
CHITTARIKAL POLICE STATION DATED 3/3/2015.**

**ANNEXURE-A2 : A CERTIFIED COPY OF THE FIRST INFORMATION STATEMENT
DATED 2/3/2015.**

**ANNEXURE-A3 : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
30.5.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4341 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.91 of 2015 of Chittarikkal Police Station, registered under Sections 447 and 354(B) of the Indian Penal Code on the complaint of one Bindu P. 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 Bindu.P 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 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.91 of 2015 of Chittarikkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE