

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Crl.MC.No. 4446 of 2015 (D)

CRIME NO.35/2015 OF RAILWAY POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED :-

**MONISH A.R., AGED 27 YEARS,
S/O. RAJU, CHIRAYADI JAYANTHI COLONY,
PERUMBURZA,
KOLLAM DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.SIBI BHAGAVANDAS
SRI.NOBEL RAJU**

RESPONDENT(S)/COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING S.I. OF POLICE,
ALAPPUZHA RAILWAY POLICE STATION,
ALAPPUZHA DISTRICT - 682 031.**
- 2. RINCY JOY, AGED 22 YEARS,
D/O. JOY THOMAS, MUKKALAVILA PUTHENVEEDU HOUSE,
CHERUVACKAL P.O., AYOOR, KOLLAM DISTRICT - 691 533.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.S.CHANDRA BOSE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE A1 - CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 35/2015 DATED 05.4.2015 OF RAILWAY POLICE STATION, ALAPPUZHA.

ANNEXURE A2 - A TRUE COPY OF THE REPORT SUBMITTED FROM THE OFFICE OF THE IPF/ALAPPUZHA DATED 05.4.2015 TO THE SUB INSPECTOR RAILWAY PROTECTION FORCE.

ANNEXURE A3 - THE NOTARY ATTESTED AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 15.6.2015.

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.4446 of 2015

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Dated this the 23rd day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.35 of 2015 of the Alappuzha Railway Police Station, registered under Sections 118(a) K.P. Act and 354 of IPC on the complaint of one Rincy Joy. 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 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 Crime No.35 of 2015 of the Alappuzha Railway Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE