

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Cr1.M.C.No. 4559 of 2015

CRIME NO. 2491/2014 OF ADOOR POLICE STATION, PATHANAMTITTA

PETITIONERS/ACCUSED 1 TO 3:

1. ABU, S/O.MUHAMMED ISMAIL, AGED 25 YEARS,
MANIKKATHARAYIL HOUSE, PAZHAKULAM,
PALLIKKAL VILLAGE.
2. ANFAL, AGED 20 YEARS,
AMPRAYIL THEKKETHIL, PAZHAKULAM, PALLIKKAL VILLAGE.
3. AFSAL, AGED 22 YEARS,
VAYALIL PUTHEN VEEDU, PAZHAKULAM, PALLIKKAL VILLAGE.

BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR

RESPONDENTS/STATE AND INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. NASARUDHEEN, AGED 44 YEARS,
S/O.ABDULRAHMAN, FATHIMA MANZIL, METTUMPURAM JN.,
PAZHAKULAM PADINJARU MURI, PALLIKKAL VILLAGE - 689 645.
3. KHADEEJA BEEVI,
W/O. NAZARUDHEN, FATHIMA MANZIL, METTUMPURAM JN.,
PAZHAKULAM PADINJARU MURI, PALLIKKAL VILLAGE- 689 645.
4. AJMALKHAN,
S/O.NAZARUDHEEN, FATHIMA MANZIL, METTUMPURAM JN.,
PAZHAKULAM PADINJARU MURI, PALLIKKAL VILLAGE- 689 645..

R2 -R4 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4559 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF THE FIR NO.2491/2014 OF ADOOR
POLICE STATION.

ANNEXURE B: COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE C: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE D: COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4559 of 2015

Dated this the 21st day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.2491/2014 of the Adoor Police Station, registered under Sections 452, 341, 323, 324, 354 and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Nazarudheen. 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 Nazarudheen 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 other victims of offence in this case are the 3rd and 4th respondents. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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.2491/2014 of the Adoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

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