

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937**

**Crl.MC.No. 4653 of 2015 (D)**  
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**CRIME NO. 1037/2015 OF MANJERI POLICE STATION, MALAPPURAM**

**PETITIONER/ACCUSED :-**  
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**SHYBU SADANANDAN, AGED 35 YEARS,  
S/O. SADANANDAN, NANDANAM HOUSE, NADUVATH,  
WANDOOOR VILLAGE, WANDOOOR POLICE STATION LIMIT,  
MALAPPURAM DISTRICT.**

**BY ADV. SRI.SUNIL KUMAR A.G**

**RESPONDENT(S)/RESPONDENT :**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THULASI , AGED 37 YEARS,  
D/O. NARAYANAN, PARITHIPPATTA HOUSE,  
NEAR GENERAL HOSPITAL, MANJERI, MANJERI P.O.,  
ERANAD TALUK, MALAPPURAM DISTRICT-676 121.**
- 3. SEENA MATHEW , AGED 35 YEARS  
W/O. SUNIL JACOB, PULIKKAL HOUSE, PAYYANAD P.O.,  
MANJERI, ERANAD TALUK, MALAPPURAM DISTRICT-676 121.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR  
R2 & R3 BY ADV. SRI.LIJU. M.P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**rkj**

**Crl.MC.No. 4653 of 2015 (D)**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A1 : TRUE COPY OF THE FIR DATED 08.7.2015.**

**ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT DATED 20.7.2015.**

**ANNEXURE A3 : TRUE COPY OF THE AFFIDAVIT DATED 20.7.2015.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.No.4653 of 2015**

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Dated this the 30<sup>th</sup> day of July, 2015

**ORDER**

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1037 of 2015 of the Manjeri Police Station, Malappuram, registered under Sections 406 and 420 of the Indian Penal Code on the complaint of one Thulasi. 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 2<sup>nd</sup> 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. The other victim of offence is the 3<sup>rd</sup> respondent. She has also filed affidavit to the effect that she has settled the dispute with the accused, and she has no grievance or complaint now.

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.1037 of 2015 of the Manjeri Police Station, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE