

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

Cr1.MC.No. 4655 of 2015

CRIME NO.257/2014 OF RAILWAY POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 4:

1. JAYAKUMAR, AGED 27 YEARS,
S/O.LATE JANARDHANAN PILLAI, VASANTHA VILASOM,
PAVITHRESWARAM, KARUVELIL P.O., KOTTARAKKARA,
KOLLAM.
2. SHAIJUMON, AGED 37 YEARS,
S/O.VASUDEVAN, PUTHUVETH HOUSE, VADANPATHAN P.O,
KANJIRAPPALLY, MUNDAKKAYAM, KOTTAYAM.
3. SANTOSH, AGED 34 YEARS
S/O.SASIDHARAN NAIR, HARICHANDRA VILASOM,
CHERUKULAM P.O., CHUNDS, ANCHAL,
KOLLAM.
4. SHIJU G, AGED 36 YEARS,
S/O.GOPALAKRISHNAN, KALIYILVILA PADINJATTATHIL,
KALANJOOR P.O., ONNAMKUTTY, PATHANAMTHITTA.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS/COMPLAINANT:

1. STATE, REPRESENTED BY THE STATION HOUSE OFFICER,
ERNAKULAM RAILWAY STATION,
ERNAKULAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MRS.ASHA MURALI, W/O.MURALI,
PANACHAMOOTTIL, KOYIPURAM P.O,
NELLEICKAL, PATHANAMTHITTA - 690 122.

R2 BY ADV. SRI.K.P.ANIL KUMAR (SASTHAMCOTTA)
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

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

Cr1.MC.No. 4655 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.257/2014 OF RAILWAY STATION IN ERNAKULAM.

ANNEXURE A2: COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4655 of 2015

Dated this the 23rd day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.257/2014 of the Railway Police Station, Ernakulam registered under Sections 354, 294(b) r/w 149 of the Indian Penal Code on the complaint of one Asha Murali. 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 Asha Murali 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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.257/2014 of the Railway Police Station, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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