

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

**PRESENT:**

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

**MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937**

**Crl.MC.No. 4714 of 2015**  
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**CRIME NO. 1176/2015 OF ANCHAL POLICE STATION , KOLLAM**

**PETITIONER/ACCUSED :-**  
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**AJITH LAL,  
PROPRIETOR,  
SREE RAM BANKERS, ANCHAL,  
ANCHAL VILLAGE, KOLLAM (DIST).**

**BY ADVS.SRI.ANIL K.MUHAMED  
SRI.V.S.MANSOOR**

**RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT :-**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ,ASHA SANTHOSH,  
W/O.SANTHOSH YOHANNAN,  
AKHIL VILLA, PRASANTH NAGAR,  
ALAYAMAN MURI, ANCHAL VILLAGE,  
KOLLAM (DIST) - 691 121.**

**R1 BY SMT.SREELATHA PARAMESWARAN, PUBLIC PROSECUTOR  
R2 BY ADV. SRI.S.MOHAMMED AL RAFI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**rkj**

**Crl.MC.No. 4714 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE - A : A CERTIFIED COPY OF FIR IN CRIME NO.1176 OF 2015 OF ANCHAL  
POLICE STATION.**

**ANNEXURE - B : CERTIFIED COPY OF FIS IN CRIME NO.1176 OF 2015 OF ANCHAL  
POLICE STATION.**

**ANNEXURE - C : AFFIDAVIT DATED 22.07.2015 SWORN BY 2ND RESPONDENT.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**rkj**

**//TRUE COPY//**

**P.A. TO JUDGE**

**P.UBAID, J.**

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**Crl.M.C.No.4714 of 2015**  
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Dated this the 27<sup>th</sup> day of July, 2015

**ORDER**

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1176 of 2015 of Anchal Police Station, Kollam registered under Section 420 of the Indian Penal Code on the complaint of one Asha Santhosh. 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.

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.1176 of 2015 of Anchal Police Station, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure.

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

rkj

//TRUE COPY//

P.A. TO JUDGE