

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 3557 of 2014 ()

CRIME NO. 921/2013 OF KUTTIPURAM POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

MOHAMMED ABDUL NOOR AGED 48 YEARS
S/O. ABDULLA MUSALIYAR, KAMBALA HOUSE, KUTTIPURAM.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031
(CRIME NO. 921/2013 OF KUTTIPURAM POLICE STATION
MALAPPURAM DISTRICT)
2. ABDUL ASEES, AGED 52 YEARS
S/O. MOHAMMED, PONNACHETHIYIL HOUSE, MOORKANAD
VENGAD P.O., PERINTHALMANNA
MALAPPURAM DISTRICT - 679 338.

R2 BY ADV. SRI.VINOD KUMAR.C
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3557 of 2014

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-I: CERTIFIED COPY OF THE FIR IN CRIME NO.921 OF 2013 OF KUTTIPPURAM POLICE STATION ALONG WITH COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE JFCM, TIRUR.

ANNEXURE-II: AFFIDAVIT DATED 28.06.2014 SWORN BY THE SECOND RESPONDENT/DE FACTO COMPLAINANT

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.3557 of 2014**  
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Dated this the 27th February, 2015

ORDER

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.921 of 2013 of Kuttippuram Police Station, registered under Sections 420 of Indian Penal Code on the complaint of one Abdul Asees. 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. 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. 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 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. I am well satisfied that the de facto complainant has received the entire amount due from the petitioner herein. It is submitted that there are so many crimes against the petitioner herein in different police stations. However, it is submitted that the crimes are being settled one after the other and the petitioner has been making earnest efforts to discharge the whole liability. Though being prosecuted under Section 420 of Indian Penal Code, I find that the dispute is of a civil nature having civil consequences and civil liabilities. Anyway, the dispute between the petitioner and the victim, stands settled, and efforts are now going on to settle the claims of the others also. I am inclined to accept the settlement and to quash the proceeding accordingly.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.921 of 2013 of Kuttipuram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge