

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.MC.No. 3694 of 2013 ()

CRIME NO. 1368/2013 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. BONY RAVI
S/O.RAVI C.S., RESIDING AT BENTHOKUDY HOUSE
PARIYARAM KARA, KOLENCHERY VILLAGE, MEEMPARA P.O.
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT, PIN 682 308.
2. AYYAPPADAS VIJAYAN (MINOR), AGED 17 YEARS
REPRESENTED BY HIS GUARDIAN SRI.M.B.VIJAYAN
RESIDING AT MURIKAL HOUSE, VENKIDA KARA
THIRUVANIYOOR VILLAGE, BRAHAMAPURAM P.O.
KUNNATHUNADU TALUK, ERNAKULAM DIST., PIN 682 308.

BY ADV. SRI.AJEESH S.BRITE

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031..
2. THOMAS JOHN,, AGED 42 YEARS
S/O.ULAHANNAN RESIDING AT VALLOPARAMBIL HOUSE
SIDHANPADY, KALAMPOOR KARA, ENANALLOOR VILLAGE
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

R2 BY ADV. SRI.E.A.BIJUMON
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3694 of 2013

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE-I: TRUE COPY OF THE STATEMENT OF CW3 RECORDED BY THE
ASI OF POLICE, HOSDURG.

ANNEXURE-II: TRUE COPY OF THE FIR DATED 02/06/2008

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.3694 of 2013**  
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Dated this the 10th March 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1368 of 2013 of Muvattupuzha Police Station, registered under Section 380 of the Indian Penal Code on the complaint of one Thomas John. 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 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 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.

In the result, this petition is allowed. The F.I.R and further proceedings against the petitioners herein in crime No.1368 of 2013 of Muvattupuzha 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