

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 4950 of 2015 ()

PETITIONER(S)/ACCUSED:

1. MENACHERI JIBIN AGED 25 YEARS
S/O.JACOB, MENACHERY HOUSE, NJARALLOOR KARA
KIZHAKKAMBALAM P.O., ERNAKULAM DISTRICT.
2. AKKU YOHANNAN AGED 19 YEARS
S/O.YOHANNAN, THIRAMATTATHIL HOUSE, NJARALLOOR KARA
KIZHAKKAMBALAM P.O., ERNAKULAM DISTRICT.
3. APPOOSE AGED 19 YEARS
S/O.VARGHESE, ALIKKUDY HOUSE, NJARALLOOR KARA
KIZHAKKAMBALAM P.O., ERNAKULAM DISTRICT.
4. ALIKUDI KANISHQ AGED 21 YEARS
S/O.VARGHESE, ALIKKUDY HOUSE, NJARALLOOR KARA
KIZHAKKAMBALAM P.O., ERNAKULAM DISTRICT.

BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA
RPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. JANCY, AGED 46 YEARS
W/O.BENNY, MANAKKAKUDY HOUSE, NJARALLOOR KARA
KIZHAKKAMBALAM VILLAGE, KUNNATHUNADU THALUK
ERNAKULAM DISTRICT, PIN 683565.
3. ANEESH, AGED 26 YEARS
S/O.BENNY, MANAKKAKUDY HOUSE, NJARALLOOR KARA
KIZHAKKAMBALAM VILLAGE, KUNNATHUNADU THALUK
ERNAKULAM DISTRICT, PIN 683565.

R2-3 BY ADV. SMT.RESMI THOMAS
R1 BY PUBLIC PROSECUTOR SMT.SHYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
19-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4950 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: TRUE COPY OF THE CRIME NO.1072/2015 OF KUNNATHUNADU
POLICE STATION, ERNAKULAM DISTRICT.

ANNEXURE-II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE-III: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD
RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No.4950 of 2015**

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Dated this the 19th August, 2015

ORDER

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.1072 of 2015 of Kunnathunadu Police Station, registered under Sections 341, 323, 324 and 326 read with 34 of Indian Penal Code on the complaint of one Jancy. 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. She and the other victim have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 in Crime No.1072 of 2015 of Kunnathunadu 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