

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

CrI.MC.No. 4981 of 2015 ()

CRIME NO. 2450/2014 OF CHAVARA POLICE STATION , KOLLAM

PETITIONERS/ACCUSED NO.1 to 3:

1. SHYNE JOSE, AGED 34 YEARS,
S/O. ALOSIOUS, ST. ANTONYS SADANAM,
KOIVILA P.O., KOIVILAMURI, THEVALAKKARA, KOLLAM.
2. ALOSIOUS, AGED 65 YEARS, S/O. ALOSIOUS, ST. ANTONYS SADANAM,
KOIVILA P.O., KOIVILAMURI, THEVALAKKARA, KOLLAM.
3. RITA, AGED 58 YEARS, W/O.ALOSIOUS,ST. ANTONYS SADANAM,
KOIVILA P.O., KOIVILAMURI, THEVALAKKARA, KOLLAM.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. BINCY PETER, AGED 26 YERS, D/O. PETER, S.J. BIPIN VILLA,
PUTHUKAD P.O., CHAVARA, KOLLAM, PIN-691583.

**R2 BY ADV. SRI.M.R.SARIN
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4981 of 2015 ()

APPENDIX

PETITIONER(S) ANNEXURE:

ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO. 2450/2014 OF CHAVARA POLICE STATION, KOLLAM.

ANNEXURE A2: TRUE COPY OF THE SETTLEMENT DATED 8.7.2015.

ANNEXURE A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S) ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.4981 of 2015

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Dated this the 4th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.2450 of 2014 of Chavara Police Station, Kollam registered under Sections 498(A), and 34 of the Indian Penal Code on the complaint of one Bincy Peter. 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 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.2450 of 2014 of Chavara 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