

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 5023 of 2015 ()

CRIME NO. 238/2015 OF BEDAKOM POLICE STATION , KASARGOD

PETITIONERS/ACCUSED:

1. **BHAVEESH, AGED 21 YEARS,
S/O.BHASKARAN, PERLADUKKAM HOUSE, KOLATHUR VILLAGE,
KASARAGOD.**
2. **SARATH, AGED 20 YEARS,
S/O.BALAKRISHNAN, KUTTYANAM, ARIYI HOUSE,
KOLATHUR VILLAGE, KASARAGOD.**
3. **MAHESH, AGED 20 YEARS,
S/O.BHASKARAN, NARAKKODE HOUSE, KOLATHUR VILLAGE,
KASARAGOD.**
4. **MANU PRASAD, AGED 21 YEARS,
S/O.BALAKRISHNAN NAIR (LATE), KARAKAYADUKKAM,
KOLATHUR VILLAGE, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **MARIYATH RASEEN, AGED 25 YEARS, W/O. SAJITH,
BENDICHAL, KARAKKUNNU, THEKKIL VILLAGE
KASARAGOD 671 541.**

**R2 BY ADV. SMT.K.S.SANTHI
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5023 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

ANNEXURE A1 : TRUE COPY OF FIR IN CR. 238/2015 OF BEDAKOM POLICE STATION.

**ANNEXURE A2 : TRUE COPY OF THE REPORT IN CRIME NO.238/2015 OF BEDAKOM
POLICE STATION.**

ANNEXURE A3 : AFFIDAVIT DATED 30-7-2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.5023 of 2015

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Dated this the 5th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.238 of 2015 of Bedakom Police Station, Kasaragod registered under Sections 354, 341 and 323 read with Section 34 of the Indian Penal Code on the complaint of one Mariyath Raseena. 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.

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 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.238 of 2015 of Bedakom Police Station, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE