

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

CrI.MC.No. 5698 of 2015 ()

CRIME NO. 741/2015 OF KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

**JAFAR ALI T,
S/O.KUTTIALI, AGED 28 YEARS
THEKKARAKATH HOUSE, OTHUKUNGAL P.O.
MALAPPURAM DISTRICT**

BY ADV. SMT.P.M.SHAHIDA

RESPONDENTS/STATE/COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
MALAPPURAM POLICE STATION, MALAPPURAM DISTRICT
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**2. HASINA
D/O.KUNHAMADU, AGED 23 YEARS
ANJUKANDATHIL HOUSE, VENGARA P.O.
VALIYORA, MALAPPURAM DISTRICT-676304.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 BY ADV. SRI.U.K.DEVIDAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : COPY OF THE FIRST INFORMATION REPORT AND FIRST
INFORMATION STATEMENT IN CRIME NO. 741/2015 OF
KOTTAKKAL POLICE STATION DATED 2.7.2015.**

**ANNEXURE II THE ORIGINAL OF THE AFFIDAVIT DATED 27.7.2015 EXECUTED
BY THE SECOND RESPONDENT.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.UBAID, J.

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Crl.M.C.No.5698 of 2015

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Dated this the 20th day of August, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.741 of 2015 of Kottakkal Police Station, registered under Sections 354(A)(i), 354(B) and 506(i) IPC on the complaint of one Hasina. 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 the 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.741 of 2015 of Kottakkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE