

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

Crl.MC.No. 5753 of 2015 ()

CRIME NO. 816/2014 OF NEDUMKANDAM POLICE STATION, IDUKKI DISTRICT.

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PETITIONERS/ACCUSED NO.1 TO 3:

- 1. SOMASEKHARAN PILLAI, AGED 57 YEARS,
THANNIMOODU KARA, NEDUMKANDAM,
UDUMBANCHOLA, IDUKKI DISTRICT.**
- 2. CHANDRAMATHI, W/O.SOMASEKHARAN PILLAI,
AGED 52 YEARS, THANNIMOODU KARA,
NEDUMKANDAM, UDUMBANCHOLA, IDUKKI DISTRICT.**
- 3. SAJITHA KUMARI, W/O.SHIBU, AGED 35 YEARS,
THANNIMOODU KARA, NEDUMKANDAM,
UDUMBANCHOLA, IDUKKI DISTRICT.**

BY ADV. SRI.P.V.JEEVESH.

RESPONDENTS/COMPLAINANTS:

- 1. ROSAMMA,
W/O.UNNI PAPPACHAN, MULAVANAL VEEDU,
THANNIMOODU KARA, NEDUMKANDAM,
UDUMBANCHOLA, IDUKKI DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

R1 BY ADV. SRI.A.S.DHEERAJ.

R2 BY PUBLIC PROSECUTOR SMT.V.H. JASMINE.

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE AI : COPY OF THE FIR IN CRIME NO.816/2014 OF
NEDUMKANDAM POLICE STATION.**

ANNEXURE AII : AFFIDAVIT FILED BY THE 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.UBAID, J.

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Crl.M.C.No.5753 of 2015

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Dated this the 20th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.816 of 2014 of Nedumkandam Police Station, Idukki registered under Sections 294(B), 506(1), 323, 354 and 452 read with Section 34 of the Indian Penal Code on the complaint of one Rosamma. 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 1st 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.816 of 2014 of Nedumkandam Police Station, Idukki will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE