

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.MC.No. 5903 of 2015 (C)

CRIME NO. 228/2015 OF VIDYA NAGAR POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED :-

**ABDUL SHARUKH, AGED 32 YEARS,
S/O. MUHAMMED, RESIDING AT HASEENA MANZIL,
MYLATTY P.O., HOSDURG TALUK, KASARGOD DISTRICT.**

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENT(S)/STATE & COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. B.ANILA , AGED 28 YEARS,
W/O. DINAN, RESIDING AT ADIYATH,
THEKKIL VILLAGE AND POST, POINACHI,
KASARGOD DISTRICT-671 541.**

**R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.P.BALAGOPAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5903 of 2015 (C)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 : CERTIFIED COPY OF THE FIR IN CRIME NO.228/2015 OF
VIDYANAGAR POLICE STATION.**

ANNEXURE 2 : AGREEMENT DATED 12.8.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5903 of 2015
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Dated this the 23rd day of September, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.228 of 2015 of Vidyanagar Police Station, Kasargod, registered under Sections 452, 354 and 427 of the Indian Penal Code on the complaint of one B.Anila. 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 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 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 the 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.228 of 2015 of Vidyanagar Police Station, Kasargod will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE