

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

CrI.MC.No. 4866 of 2014 ()

CRIME NO. 862/2014 OF KODANAD POLICE STATION , ERNAKULAM DISTRICT.

PETITIONERS/ACCUSED NOS.1 TO 3 :

- 1. SHAMEER, S/O. PAREETH,
MULLADAN HOUSE, EDAVOOR
KALADY, ERNAKULAM DISTRICT.**
- 2. SHAFEEK, S/O. PAREETH,
MULLADAN HOUSE, EDAVOOR
KALADY, ERNAKULAM DISTRICT.**
- 3. SHAKKEER, S/O. SHAMSUDHEEN,
ITTIYATIRA HOUSE, EDAVOOR
KALADY, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ANIL K.MUHAMMED
SRI.V.S.MANSOOR**

RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SAJEEV, S/O. SADANANDAN,
THUNDUVILA PUTHENVEEDU, RASALPURAM
NEYATTINKARA, ANIYANOOR VILLAGE,
NEYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.HYMA.S
R2 BY ADV. SRI.S.MOHAMMED AL RAFI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No. 4866 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A : CERTIFIED COPY OF FIR IN CRIME NO.862 OF 2014 OF
KODANADU POLICE STATION.**

**ANNEXURE B : CERTIFIED COPY OF FIS IN CRIME NO.862 OF 2014 OF
KODANADU POLICE STATION.**

ANNEXURE C : AFFIDAVIT DTD.21.7.2014 SWORN BY 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J.

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**Crl.M.C No.4866 of 2014**

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Dated this the 23rd day of January, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.862 of 2014 of Kodanadu Police Station, registered under Sections 452, 324, 323 & 34 IPC on the complaint of one Sajeev. 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 Sajeev is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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 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 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.862 of 2014 of Kodanadu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID,JUDGE**

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//TRUE COPY//

P.A. TO JUDGE