

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Crl.MC.No. 6429 of 2015 ()

CRIME NO. 831/2015 OF PUDUNAGARAM POLICE STATION , PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**RANGANATHAN, KAIKKOTTUKULAM
PERUVEMBU, PUDUNAGARAM, PALAKKAD.**

BY ADV. SRI.K.ANAND

RESPONDENTS/STATE & DEFACTO COPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
 - 2. MOHANAN, AGED 39 YEARS, S/O.KITTU
KAIKKOTTUKALAM, PERUVEMBU, PALAKKAD-678001.**
- R2 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A: CERTIFIED COPY OF THE FIR IN CRIME 831/2015 OF PUDUNAGARAM
POLICE STATION.**

ANNEXURE-B: AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 26.09.2015.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6429 of 2015

Dated this the 13th day of October, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.831/2015 of the Pudunagaram Police Station, registered under Sections 447, 294(b) and 326 IPC on the complaint of one Mohanan. 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 Mohanan 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.831/2015 of the Pudunagaram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure. The counter case also stands settled and quashed.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge