

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 6463 of 2015 (I)

CRIME NO. 654/2015 OF VADAKKEKARA POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. JOY O.A, AGED 48 YEARS,
S/O. ANTO, OTTARAKAL HOUSE,
PARAVATHURUTHU, NORTH PARAVUR P.O.
2. SHINOJ P.J, AGED 29 YEARS,
S/O. JOSEPH, PUTHIYAKULANGARA HOUSE,
EDAVANAKKAD P.O., ERNAKULAM.
3. ANTONY O.A, AGED 53 YEARS,
S/O. ANTO, OTTARAKAL HOUSE,
KOOTUKAD, VADAKKUMPURAM P.O.
4. AJESH O.S, AGED 35 YEARS,
S/O. SEBASTIAN, OTTARAKAL HOUSE,
PARAVATHURUTHU, NORTH PARAVUR P.O.
5. NISHAD, AGED 25 YEARS,
S/O. ANTONY, OTTARAKAL HOUSE,
KOTTUKAD, VADAKKUMPURAM P.O.
6. NIKHIL, AGED 24 YEARS,
S/O. ANTONY, OTTARAKKAL HOUSE,
KOOTUKAD, VADAKKUMPURAM.P.O.
7. JAYESH O.S, AGED 36 YEARS,
S/O. SEBASTIAN, OTTARAKKAL HOUSE,
PARAVATHURUTHU, NORTH PARAVUR.P.O.
8. JOHNSON, AGED 48 YEARS,
S/O. GEORGE, KUNNATH HOUSE,
NAYARAMBALAM P.O.

BY ADV. SRI. P.K.SAJEEV

RESPONDENT(S)/ COMPLAINANT & INJURED:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
2. **PAUL @ PAILY, AGED 59 YEARS,
S/O. ANTHO, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.**
3. **JESSY, AGED 54 YEARS,
W/O. PAILY, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.**
4. **BIBITHA PAUL, AGED 28 YEARS,
D/O. PAILY, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.**
5. **VINEESH, AGED 32 YEARS,
S/O. PAILY, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. M.T. SHEEBA
R2 TO R5 BY ADV. SRI. JOHN VIPIN**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** CERTIFIED COPY OF THE FIRST INFORMATION REPORT ALONG WITH THE FIRST INFORMATION REPORT ALONG WITH THE FIRST INFORMATION STATEMENT IN CRIME NO. 654/2015 OF VADAKKEKARA POLICE STATION, ERNAKULAM DISTRICT.
- ANNEXURE A2:** TRUE COPY OF FIRST INFORMATION REPORT ALONG WITH THE FIRST INFORMATION STATEMENT IN CRIME NO.655/2015 OF VADAKKEKARA POLICE STATION, ERNAKULAM DISTRICT.
- ANNEXURE A3:** TRUE COPY OF SETTLEMENT AGREEMENT DATED 23.08.2015 EXECUTED BY 1ST PETITIONER AND 2ND RESPONDENT BEFORE FR. BINU OF LITTLE FLOWER CHURCH, KOOTUKAD.
- ANNEXURE A4:** THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 28.09.2015.
- ANNEXURE A5:** THE AFFIDAVIT OF THE 3RD RESPONDENT DATED 28.09.2015.
- ANNEXURE A6:** THE AFFIDAVIT OF THE 4TH RESPONDENT DATED 28.09.2015.
- ANNEXURE A7:** THE AFFIDAVIT OF THE 5TH RESPONDENT DATED 28.09.2015.

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.6463 of 2015
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Dated this the 5th day of October, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.654 of 2015 of Vadakkekara Police Station, Ernakulam registered under Sections 143, 147, 447, 323 and 354 read with Section 149 of Indian Penal Code on the complaint of one Paul @ Paily. 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. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondents 3 to 5. They have also filed affidavit to the effect that they have settled the dispute with the accused, and they have no grievance or complaint now.

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.

3. A counter case (Crime No.655 of 2015) also stands settled and quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.654 of 2015 of Vadakkekara Police Station, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

Sd/-
**P.UBAID
JUDGE**

//TRUE COPY//

P.A. TO JUDGE