

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. 6467 of 2015 (I)

**CRIME NO. 655/2015 OF VADAKKEKARA POLICE STATION ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, NORTH PARAVUR**

PETITIONER(S)/ ACCUSED 1 - 3:

1. PAUL @ PAILY, AGED 59 YEARS,
S/O. ANTHO, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.
2. VINEESH, AGED 32 YEARS,
S/O. PAUL, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.
3. BIBITHA PAUL, AGED 28 YEARS,
D/O. PAUL, OTTARAKKAL HOUSE,
PARUVATHURUTH, NORTH PARAVUR P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI. JOHN VIPIN

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. JOY, AGED 46 YEARS,
S/O. ANTHO, OTTARAKAL HOUSE,
PARAVATHURUTHU, NORTH PARAVUR P.O.,
ERNAKULAM - 683 512.
3. CICILY, AGED 53 YEARS, W/O. JOHNSON,
KUNNATH HOUSE, NAYARAMBALAM P.O.,
ERNAKULAM - 682 509.

**R1 BY PUBLIC PROSECUTOR SMT. M.T. SHEEBA
R2 & 3 BY ADV. SRI.P.K.SAJEEV**

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

Crl.MC.No. 6467 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: CERTIFIED COPY OF THE F.I.R AND F.I.S IN CRIME NO. 655/2015
OF VADAKKEKARA POLICE STATION.**

**ANNEXURE II: AFFIDAVIT SIGNED BY THE 2ND RESPONDENT SHOWING THAT HE
HAS NO OBJECTION IN QUASHING THE F.I.R IN CRIME NO. 655/2015 OF
VADAKKEKARA POLICE STATION.**

**ANNEXURE III:AFFIDAVIT SIGNED BY THE 3RD RESPONDENT SHOWING THAT SHE
HAS NO OBJECTION IN QUASHING THE F.I.R IN CRIME NO. 655/2015 OF
VADAKKEKARA POLICE STATION.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

WW

P.UBAID, J.

=====
Crl.M.C.No.6467 of 2015
=====

Dated this the 5th day of October, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.655 of 2015 of Vadakkekara Police Station, Ernakulam registered under Sections 341, 294(b) and 323 read with Section 34 of the Indian Penal Code on the complaint of one Joy. 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 person who sustained injuries in the alleged incident is the 3rd respondent. She has also filed affidavit to the effect that she has settled the dispute with the accused, and she has 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.654 of 2015) also stands settled and quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.655 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