

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6740 of 2015

CRIME NO. 732/2015 OF HOSDURG POLICE STATION, KASARGOD

PETITIONER/ACCUSED:

DR.M.K JAYANANTHAN, AGED 75 YEARS,
S/O.LATE M.K.KUNHIRAMAN, E.N.T SPECIALIST,
KATTACHERY,
KANGANGAD 671 315.

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SREERAMAN, AGED 68 YEARS,
S/O.V.P.GOVINDAN NAMBOOTHIRI, PUTHUMANA ILLAM,
KATTAPARA, PULLUR VILLAGE,
KASARAGOD DISTRICT-671 531.
3. SAVITHRI ANTHARJANAM, AGED 99 YEARS,
W/O.V.P.GOVINDAN NAMBOOTHIRI, PUTHUMANA ILLAM,
KATTAPARA, PULLUR VILLAGE,
KASARAGOD DISTRICT-671 531.
4. GOVINDA RAJ, AGED 33 YEARS,
S/O.ISHWARAN NAMBOODIRI, PUTHUMANA ILLAM,
KATTAPARA,
PULLUR VILLAGE, KASARAGOD DISTRICT-671 531.

R2-4 BY ADV. SRI.V.VINAY MENON

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 15-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6740 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1. COPY OF THE FIR TOGETHER WITH THE COPY OF
THE COMPLAINT SUBMITTED BY THE DEFACTO COMPLAINANT.

ANNEXURE 11. COPY OF THE AFFIDAVIT SWEARED BY RESPONDENT
2 TO 4 EVIDENCING SETTLEMENT (3 IN NUMBER) .

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 6740 of 2015

Dated this the 15th day of October, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.732/2015 of the Hosdurg Police Station, registered under Sections 324 and 294(b) of the Indian Penal Code on the complaint of one Sreeraman. 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 Sreeraman 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.

2. The other victims of offence are the respondent Nos.3 and 4. 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.

3. 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 revisional 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 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.732/2015 of the Hosdurg Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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