

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Crl.MC.No. 6811 of 2015 ()

CRIME NO. 1257/2015 OF THEKKUMBHAGOM POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

SMINURAJ AGED 29 YEARS
S/O.RAJAN, THAVALAKKARA HOUSE, CHAVARA THEKKUMBAGAM
KARUNAGAPPALLY, KOLLAM DISTRICT.

BY ADVS.SRI.K.S.ARUN KUMAR
SRI.P.A.VIBIN

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. VIMALA, AGED 58 YEARS
W/O.JOSEPH KUTTY, CHRISTY BHAVANAM HOUSE
THEVALAKKARA VILLAGE, CHAVARA THEKKUMBHAGOM
KOLLAM DISTRICT, PIN-691 589.

R2 BY ADV. SMT.RESMI THOMAS
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6811 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I : TRUE COPY OF THE FIR IN CRIME NO.1257/2015 OF CHAVARA
THEKKUMBHAGAM POLICE STATION

ANNEXURE II : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl. M.C No.6811 of 2015**  
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Dated this the 6th November, 2015

ORDER

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.1257 of 2015 of Chavara Thekkumbhagam Police Station, registered under Sections 294 (b), 452, 323 and 506 (ii) of Indian Penal Code on the complaint of one Vimala, who is the 2nd respondent herein. The other victim of offence died pending the proceedings. The petitioner has produced copy of the death certificate proving the death. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. She has filed affidavit to the effect that she has settled the whole 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 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.1257 of 2015 of Chavara Chekkumbhagom 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.S to Judge