

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Cr1.MC.No. 5678 of 2014

CRIME NO. 1318/2013 OF AMBALAPPUZHA POLICE STATION , ALAPPUZHA

PETITIONERS/PETITIONERS/ACCUSED:

1. INDIRAMMA
W/O KUMARADAS, PUNNIYIL HOUSE, AMAYIDA,
AMBALAPUZHA, PIN:688561.
2. R.GOPALAKRISHNAN,
S/O RAMAN PILLAI, MANGALATH HOUSE, PAZHUVATHU,
CHANGANACHERRY, PIN:686 101.

BY ADVS.SRI.JOMY GEORGE
SRI.SEBASTIAN THOMAS

RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE,
AMBALAPUZHA POLICE STATION, AMBALAPUZHA,
PIN:688 561.
3. RADHAKRISHNA KAIMAL, AGED 78 YEARS,
S/O LATE RAMAN PILLAI, C/O. K.V.JAYAMOHAN,
KRISHNA VILAS, CHERAVALLY, KAYAMKULAM.

R3 BY ADV. SMT.SYAMA MOHAN
R1 &R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 5678 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.1318/13.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.5678 of 2014

Dated this the 20th day of January, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1318/2013 of the Ambalapuzha Police Station, registered under Sections 415, 416, 417, 419, 420, 423, 464, 471 and 120B of the Indian Penal Code, on the complaint of one Radhakrishna Kaimal. 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 Radhakrishna Kaimal is the 3rd 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. 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.1318/2013 of the Ambalapuzha Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

ab