

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Crl.M.C.No. 7282 of 2015

CRIME No.805/2015 OF THEKKUMBHAGOM POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED 1 & 2:

- 1. ADITH P., AGED 20 YEARS,
S/O. PURUSHOTHAMAN, 'ADITHYALAYAM', CHAVARA SOUTH,
NADUVATHUSSERRY, KOLLAM DISTRICT - 691 584.**
- 2. VIMAL S., S/O. SHANMUGAN,
AGED 20, KOLLEZHATHU VADAKETHIL,
CHAVARA THEKKUM BHAGOM, KOLLAM.**

**BY ADVS. SRI. JAI GEORGE
SMT. DAISY A.PHILIPOSE**

RESPONDENT(S):

- 1. SAJU SUSEENDRAN (MINOR), AGED 17,
REPRESENTED BY HIS FATHER SUSEENDRAN,
SUSEENDRA BHAVAN, NADUVATHUCHERRY MURI,
THEKKUM BHAGOM VILLAGE, CHAVARA SOUTH,
KOLLAM - 691 584.**
- 2. ANANTHU, S/O. PRASAD,
PONGAPALLY HOUSE, NADUVATHUCHERRY MURIYIL,
THEKKUMBHAGOM VILLAGE, CHAVARA SOUTH,
KOLLAM DISTRICT - 691 584.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 & R2 BY ADV. SRI. HARISH R. MENON
R3 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: A COPY OF THE FIRST INFORMATION REPORT IN CRIME
 No.805/2015 DATED 13.06.2015.**

**ANNEXURE A2: A COPY OF THE LETTER FORWARDED TO THE SUB
 INSPECTOR OF POLICE, THEKKUMBHAGOM POLICE STATION.**

**ANNEXURE A3: THE AFFIDAVIT DATED 27.08.2015 SWORN BY THE 1ST
 RESPONDENT.**

**ANNEXURE A4: THE AFFIDAVIT DATED 27.08.2015 SWORN BY THE 2ND
 RESPONDENT.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.7282 OF 2015

Dated this the 18th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.805/2015 of Thekkumbhagom Police Station, registered under Sections 341, 323, 294(b) r/w Section 34 of IPC on the complaint of one Saju Suseendran. 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 1st 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 2nd respondent. He has also filed affidavit to the effect that he has settled the dispute with the accused, and he 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.805/2015 of Thekkumbhagom Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID
JUDGE