

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

CrI.MC.No. 7494 of 2015 ()

CRIME NO. 359/2015 OF EDACHERY POLICE STATION , KOZHIKODE DISTRICT
=====

PETITIONERS/ACCUSED:

1. KALIYATH ARJUN, AGED 24 YEARS
S/O.ASHOKAN P.K., KALIYATH
CHOMBALA P.O., VATAKARA
KOZHIKODE DISTRICT.
2. T.M.SAYATH, AGED 18 YEARS
S/O.SURESHBABU T.M.
THERUVOTHMEETHAL, CHOMBALA P.O.
VATAKARA, KOZHIKODE DISTRICT.
3. THAIKKANDY AKSHAY, AGED 20 YEARS
S/O.DINESH T.M.THAIKKANDYMEETHAL
CHOMBALA P.O., VATAKARA, KOZHIKODE DISTRICT.
4. MRIDULJITH, AGED 18 YEARS
S/O.SANTHA, NAMATHKUNIYIL
CHOMBALA P.O., VATAKARA, KOZHIKODE DISTRICT.
5. ATHULJITH, AGED 22 YEARS
S/O.PRAVEENJITH, KOMATHKANDIYIL
CHOMBALA P.O., VATAKARA, KOZHIKODE DISTRICT.
6. VIJESH C.P., AGED 25 YEARS
S/O.RAJAN, CHAMUNDIPARAMBATH, KUNNUMEKKARA P.O.
VATAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE
EDACHERY POLICE STATION, KOZHIKODE DISTRICT.
2. RADHA, AGED 51 YEARS, W/O.SURENDRABABU
KELOTH HOUSE, CHOMBALA P.O., VATAKARA
KOZHIKODE DISTRICT, PIN: 673 513.

R2 BY ADV. SRI.B.MOHANLAL

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- A1: THE TRUE COPY OF THE FIRST INFORMATION REPORT NO.359/2015 OF
EDACHERY POLICE STATION DATED 17/10/2015**
- A2: THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED
23/11/2015**
- A3: THE TRUE COPY OF THE AFFIDAVIT OF THE VICTIM ATHUL,
S/O.SURENDRABABU DATED 23/11/2015**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7494 of 2015

Dated this the 30th day of November, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.359/2015 of the Edachery Police Station, registered under Sections 143, 147, 452, 323, 354, 294(b) and 149 IPC, on the complaint of one Radha. 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 Radha is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint.

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. 359/2015 of the Edachery 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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