

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Cri.MC.No. 6577 of 2014 ()

CRIME NO. 127/2012 OF ELATHUR POLICE STATION , KOZHIKODE

PETITIONER(S):

**SATHEESH. Y, AGED 31 YEARS,
S/O.YESUDAS, AGS HOME, NEAR MARKET JUNCTION,
MELPURAM, ANDUCODE POST, RC CHURCH ROAD,
KANYAKUMARI, TAMIL NADU-629 168.**

**BY ADVS.SRI.P.G.SURESH
SRI.P.JERIL BABU**

RESPONDENT(S)/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ANUSHA K, AGED 27 YEARS,
D/O.ARAVINDAKSHAN, KANNANKUTTOTH HOUSE, CHETTIKULOM,
ELATHOOR VILLAGE, ELATHOOR POST,
KOZHIKODE DISTRICT. 673 301.**

**R2 BY ADVS. SRI.G.SUDHEER (THURAVOOR)
SRI.V.HARISH
R1 BY SMT.SHEEBA M.T, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

Crl.MC.No. 6577 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A1- THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.127/2012 OF ELATHOOR POLICE STATION.**

**ANNEXURE A2- THE SWORN AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT/DEFACTO COMPLAINANT.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.6577 of 2014

Dated this the 16th day of September, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No. 127/2012 of the Elathoor Police Station, registered under Sections 383, 384 and 417 IPC, on the complaint of one Anusha. 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 Anusha 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.

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. 127/2012 of the Elathoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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