

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA,
1937

Cr1.MC.No. 7797 of 2015

CRIME NO. 4647/2013 OF ALUVA EAST POLICE STATION,
ERNAKULAM

PETITIONER/PETITIONER:

A.A.NAZEER, AGED 34 YEARS,
S/O.ABDUL KHADER, ALUNKAL HOUSE,
PUTHIYAROAD BHAGAM,
PALARIVATTOM, EDAPPALY SOUTH VILLAGE,
KANAYANNOOR TALUK, COCHIN 25 (NEW 32)

BY ADV. SRI.V.N.SUNIL KUMAR

RESPONDENTS/STATE & INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM 682031

2. AJITHA, AGED 27 YEARS,
D/O.JAMAL, CHAKKANAYIL HOUSE,
CHULLIKKAL BHAGAM,
CHULLIKKAL VILLAGE,
MATTANCHERY VILLAGE-682002

R2 BY ADV. SRI.GEO PAUL

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 14-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Crl.MC.No. 7797 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1:PHOTOCOPY OF THE FIR NO.4647/2013 OF ALUVA
EAST POLICE STATION DATED 30.12.2013

ANNEXURE A2:AFFIDAVIT SWORN TO BY 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7797 of 2015

Dated this the 14th day of December, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.4647/2013 of the Aluva East Police Station, registered under Sections 341, 294(b), 323, 324, 506(1) and 427 of the Indian Penal Code on the complaint of one Ajitha. 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 Ajitha 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 revisional stage; if the parties have really settled the whole

dispute, or if continuance of the 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.4647/2013 of the Aluva East 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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