

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Cr1.MC.No. 7814 of 2015

CRIME NO.750/2015 OF CHANDERA POLICE STATION, KASARAGOD

PETITIONER/ACCUSED :-

SUHAS, AGED 28 YEARS,
S/O. KUTHIRUMMAL KUNHIRAMAN,
ORKULAM, CHERUVATHUR VILLAGE,
THURUTHI P.O., KASARAGOD DISTRICT.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/STATE/COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.
2. V.V.PRASANNA, AGED 42 YEARS,
W/O.O.RAGHAVAN, ORKULAM HOUSE,
ORKULAM, CHERUVATHUR VILLAGE,
THURUTHI P.O., KASARAGOD DISTRICT- 671 531.

R2 BY ADV. SRI.P.K.SUBHASH

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Cr1.MC.No. 7814 of 2015

APPENDIX

PETITIONER(S) ' ANNEXURES :-

ANNEXURE AI - A TRUE COPY OF THE F.I.R. IN CRIME NO.750 OF
2015 OF CHANDERA POLICE STATION, KASARAGOD
DISTRICT.

ANNEXURE AII - A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE
2ND RESPONDENT ENDORSING THE FACTUM OF
SETTLEMENT.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A.TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7814 of 2015
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Dated this the 15th day of December, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.750 of 2015 of Chandera Police Station, Kasaragod registered under Sections 452, 341 and 323 of Indian Penal Code on the complaint of one V.V.Prasanna. 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 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 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 the 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.750 of 2015 of Chandra Police Station, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE