

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. 7829 of 2015

CRIME NO.1566/2014 OF SOORANADU POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED :-

1. ANU, S/O. THAJUDEEN,
PANAYIL VADAKKE VEEDU,
SOORANAD P.O., KOLLAM DT.
2. ANSHAD, S/O. JALAL,
PARAPURATHU VEEDU,
SOORANAD P.O., KOLLAM DT.
3. ASHIK, S/O. HUSSAIN,
KOTTAPURATHU VEEDU,
SOORANAD P.O., KOLLAM DT.

BY ADV. SRI.S.SHAJAHAN

RESPONDENT(S)/COMPLAINANT :-

1. SUDHI SURENDRAN, AGED 16 YEARS (MINOR),
S/O. SURENDRAN, SURAJ BHAVAN, ANAYADI P.O.,
SOORANAD, KOLLAM DT. REP. BY HIS FATHER
ABOVE MENTIONED SURENDRAN, SURAJ BHAVAN,
ANAYADI P.O., SOORANAD, KOLLAM DT.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682 031.

R1 BY ADV. SRI.A.M.ABDULLA

R2 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

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

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Cr1.MC.No. 7829 of 2015

APPENDIX

PETITIONER(S) ' ANNEXURES :-

ANNEXURE AI : TRUE COPY OF THE FIR IN CRIME NO.1566/14 OF
SOORANAD POLICE STTION.

ANNEXURE AII : AFFIDAVIT FILED BY THE FATHER OF THE MINOR
BOY, 1ST RESPONDENT.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.7829 of 2015

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Dated this the 15th day of December, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1566 of 2014 of Sooranadu Police Station, registered under Sections 323 and 341 read with Section 34 of the Indian Penal Code, and under Section 23 of the Juvenile Justice (Care and Protection of Children) Act, on the complaint of one Sudhi Surendran. 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. 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.

3. On a perusal of the materials, I find that this is a simple case of assault, and there is nothing to attract Section 23 of the Juvenile Justice Act. Anyway, the whole dispute now stands resolved forever.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.1566 of 2014 of Sooranadu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE