

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Crl.MC.No. 6787 of 2014 ()

CRIME NO. 812/2014 OF SHORNUR POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

**KABEER AGED 35 YEARS
S/O.MOITHU, KALATHILPARAMBIL HOUSE, PALLAM
CHERUTHURUTHY, THRISSUR DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S)/STATE AND DE-FACTO COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE
SHORNUR POLICE STATION, PALAKKAD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682032.**

**2. ALI, AGED 33 YEARS
S/O.KOYA, PUTHENPEEDIKAYIL, PALLAM
CHERUTHURUTHY, THRISSUR DISTRICT, PIN-679531.**

**R2 BY ADV. SRI.PRATHEESH.P
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6787 of 2014 ()

APPENDIX

PETITIONERS ANNEXURES:

**1: THE TRUE COPY OF THE CRIME NO.812/2014 OF SHORNUR POLICE NOW
PENDING ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPALAM**

2: THE AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DATED 23.10.2014

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 6787 of 2014

Dated this the 3rd day of February, 2015.

O R D E R

The petitioner herein is the first accused in Crime No.812/2014 of Shornur Police. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323 and 308 of IPC, on the complaint of one Ali who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. 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 in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides,

and I am satisfied that the parties are now on quite cordial terms. On a perusal of the case records I find that Section 308 IPC was incorporated by the police on the basis of some hypothetical statement. Continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The FIR and further proceedings in Crime No.812/2014 of the Shornur Police Station, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

P.UBAID,
JUDGE

sab