

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 7187 of 2014 ()

AGAINST CC 346/2012 of J.M.F.C., ADOOR
CRIME NO. 1553/2014 OF PANDALAM POLICE STATION , PATHANAMTITTA

PETITIONER(S)/PETITIONER:

BIJU MATHEW @ PANIL BIJU AGED 37 YEARS
S/O.P A MATHAI, R/A.CHENGANNURVILAYIL VEEDU
KULANADA P O, PIN-698503

BY ADVS.SMT.T.S.MAYA (THIYADIL)
SRI.P.Y.AHAMMED PHYSI

RESPONDENT(S)/RESPONDENT:

1. KERALA STATE
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
2. CHERIYAN JOHN @ BINU, AGED 39 YEARS
S/O.CHERIYAN JOHN, R/A.MANGATTU PUTHEN BUNGALOW
KOZUVALLOOR P O, PIN-689521
3. AJI SAMUEL, AGED 38 YEARS
MANGATTU KIZHAKKEKKARA, KOZUVALLOOR PO, MULAKKUZHA
PIN-689521
4. VARGHESE PHILIP, AGED 49 YEARS
S/O.PHILIP, R/A.PRAYA PADICKAL, KOZUVALLOOR P O
MULAKKUZHA-689521

R2 -R 4 BY ADV. SMT.PRINCY XAVIER
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7187 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1:-CERTIFIED COPY OF FIR 1553/2014 OF PANDALAM POLICE
STATION PENDING BEFORE JFCM COURT ADOOR DTD 11/11/2014

ANNEXURE 2:-COPY OF THE ORDER OF JFMC ADOOR IN C 346/2012

ANNEXURE 3:-COPY OF THE ORDER OF JFMC ADOOR IN CRIME NO 2124/2013 OF
ADOOR POLICE STATION

ANNEXURE 4:-COPY OF THE ORDER IN CRMC 1039/2011 OF THE HON'BLE HIGH
COURT

ANNEXURE 5:-ORIGINAL OF THE COMPROMISE AGREEMENT DTD 11/12/2014

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.7187 of 2014**  
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Dated this the 10th February, 2015

ORDER

The petitioner herein is the first accused in Crime No.1553 of 2014 of the Pandalam Police Station, registered under Section 394 of Indian Penal Code. He seeks orders quashing the F.I.R and further proceedings on the ground of settlement. It is submitted by the learned Public Prosecutor that the petitioner is involved as accused in eleven other crimes including a KAAPA proceeding. It is submitted that the petitioner is a person habitually involving in offences of similar nature. Of course, it is true that prosecution can be quashed under Section 482 of the Code of Criminal Procedure even in the case of non-compoundable offences; be it at the crime stage or at the trial stage. Here, investigation is going on in the crime. If the prosecution against the petitioner is now quashed, that will convey a wrong and negative message to the society. Just because he has some how come to terms with the complainant, the prosecution cannot be quashed. It is

reported that the petitioner is a person habitually involving in offences like robbery, theft etc. If this Court grants the prayer and quashes the prosecution, it will give confidence to him to commit such offences. When investigation is in progress, the request to quash the prosecution cannot be considered. Let the investigation proceed, and let the final report come. If he is aggrieved by the final report, on any factual or legal ground, he can bring appropriate proceeding. In the present circumstances, I feel it inappropriate to quash the prosecution.

In the result, this Crl.M.C is dismissed.

**Sd/-
P.UBAID
JUDGE**

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/True copy

P.S to Judge