

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**Crl.MC.No. 7260 of 2014**  
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**CRIME NO. 1355/2014 OF VARKALA POLICE STATION , THIRUVANANTHAPURAM**

**PETITIONERS/ACCUSED 1 TO 7 :-**  
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1. NOUSHAD,  
S/O.MUHAMMED KUNJU,  
MELATHIL HOUSE, MUTTAPPALAM DESOM,  
CHEMMARUTHY, CHIRAYINKEEZHU.
2. NISASRUDEEN,  
S/O.MUHAMMED KUNJU,  
MELATHIL HOUSE, MUTTAPPALAM DESOM,  
CHEMMARUTHY, CHIRAYINKEEZHU.
3. MUHAMMED KUNJU,  
MELATHIL HOUSE, MUTTAPPALAM DESOM,  
CHEMMARUTHY, CHIRAYINKEEZHU.
4. S.MURALEEDHARAN NAIR,  
S/O.SUKUMARA PILLAI, P.S.P. COTTAGE.
5. SREEKUMAR,  
S/O.BHASKARA PILLAI, LICENCE N.743,  
DOCUMENT WRITER, VARKALA.
6. RAMACHANDRAN NAIR,  
S/O.SADASIVAN NAIR, 'ASWATHY', SANTHIVILA',  
NEMOM, THIRUVANANTHAPURAM, SUB REGISTRAR,  
VARKALA AS ON 30/3/2013.
7. SHEEJA,  
D/O.SHIHABUDEEN, PANAYAVILA VEEDU,  
PAPPALA, KILIMANAOOR.

**BY ADV. SRI.R.GOPAN**

**RESPONDENTS/PETITIONERS :-**

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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SOUMYA, AGED 29 YEARS,  
D/O.SHEREEF, SAIFUDEEN MANZIL, KOTTAPURACHERI,  
PARAVOOR VILLAGE, KOLLAM DISTRICT.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR  
R2 BY ADV. SRI.SHAJIN S.HAMEED**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 7260 of 2014**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE-A - PHOTOCOPY OF THE FIR IN CRIME NO.1355/2014 DATED 11/8/2014  
PREPARED BY THE VARKALA POLILCE STATION.**

**ANNEXURE-B - AFFIDAVIT SWORN BY THE 2ND RESPONDENT BEFORE THE  
NOTARY PUBLIC DATED 16/12/2014.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A.TO JUDGE**

**P.UBAID, J.**

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**Crl.M.C.No.7260 of 2014**

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Dated this the 23<sup>rd</sup> day of July, 2015

**ORDER**

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1355 of 2014 of the Varkala Police Station, registered under Sections 420, 120B, 468, 471, 423 and 419 IPC on the complaint of one Soumya. 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 2<sup>nd</sup> 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 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 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 Crime No.1355 of 2014 of the Varkala Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

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P.A. TO JUDGE