

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Crl.MC.No. 619 of 2015 ()

CRIME NO. 1439/2014 OF PUTHENCURUZ POLICE STATION , ERNAKULAM DISTRICT

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PETITIONER/ACCUSED:

**JOMIN ISSAC GEORGE, AGED 30 YEARS
S/O. GEORGE, CHAKKANAKUZHILHOUSE
PERINGOLKARA, KOLENCHERY
ERNAKULAM DISTRICT - 682311**

**BY ADVS.SRI.N.K.POULOSEKUTTY
SRI.C.Y.VINOD KUMAR**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA (REPRESENTED BY THE SUB
INSPECTOR OF POLICE, PUTHENCURZ POLICE STATION
CRIME NO.1439/2014 OF PUTHENCURUZ POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM**
- 2. RAJAN, AGED 53 YEARS, S/O. NARAYANAN
KUTHUKALLINKAL VEETIL, KADAYIRIPPU KARA
AIKKARANAD NORTH VILLAGE - 682311**

**R2 BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)
R2 BY ADV. SRI.P.M.MANASH
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

CRL.M.C.NO.619/2015

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 FIR IN CRIME NO.1439/2014 DATED 23.10.2014 OF PUTHENCRUZ
POLICE STATION ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE'S COURT, KOLENCHERRY**

**ANNEXURE A2 AFFIDAVIT DATED 08.01.2015 SWORN BY THE 2ND
RESPONDENT/DEFACTO COMPLAINANT IN THE ABOVE CASE**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.619 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1439/2014 of the Puthencruze Police Station, registered under Sections 406 and 420 IPC on the complaint of one Rajan. 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, Rajan is the 2nd 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. 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 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.1439/2014 of Puthencruze Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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