

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

CrI.MC.No. 1932 of 2015 ()

CRIME NO. 764/2014 OF MARADU POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**FIROZKHAN @ FIROZ,
S/O.K.M.SHAMSUDHEEN, AGED 35 YEARS, KALARIKKAL HOUSE,
NETTOOR.P.O., MARADU, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,
REP. BY INSPECTOR OF POLICE, MARADU POLICE STATION,
ERNAKULAM DISTRICT.**
- 2. PRIYA.A.M, D/O.MURALEEDHARAN, AGED 26 YEARS,
EDAKKALIL HOUSE, PERUMBALLOOR.P.O.,
MUVATTUPUZHA, ERNAKULAM DISTRICT.**

R1 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1932 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-1 CERTIFIED COPY OF THE FIR IN CRIME NO.764 OF 2014 OF MARADU
POLICE STATION,ERNAKULAM DISTRICT**

**ANNEX-2 TRUE COPY OF THE AFFIDAVIT DATED 23.08.2014 SWEAR BY THE
SECOND RESPONDENT/DEFACTO COMPLAINANT.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

Crl. M.C No.1932 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.764 of 2014 of the Maradu Police Station, Ernakulam, registered under Section 376 of IPC on the complaint of one Priya. 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 Priya is the 2nd 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. On a perusal of the FI Statement I find that this is not in fact a case of rape. The complainant had lived together with the petitioner herein for two years as husband and wife, and everything that transpired during this relationship was with her consent. Anyway, the issue now stands settled, and the parties have come to terms.

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.764 of 2014 of the Maradu Police Station, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P.UBAID,
JUDGE