

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Cr1.MC.No. 2521 of 2015

CRIME NO. 56/2015 OF PUDUNAGARAM POLICE STATION , PALAKKAD

PETITIONER/ACCUSED:

1. ANANTHARAJAN,
S/O. ARUMUGHAN, THOTTARAKKADU (H) , PERUVAMBA,
PALAKKAD.
2. ANILKUMAR,
S/O ARUMUGHAN, THOTTARAKKADU (H) , PERUVAMBA,
PALAKKAD.
3. SUMA,
W/O. ANILKUMAR, THOTTARAKKADU (H) , PERUVAMBA
PALAKKAD.
4. AMBIKA,
W/O ARUMUGHAN, THOTTARAKKADU (H) , PERUVAMBA,
PALAKKAD.
5. AMMU,
D/O. ARUMUGHAN, THOTTARAKKADU (H) , PERUVAMBA,
PALAKKAD.

BY ADVS.SRI.MAHESH V.MENON
SRI.P.K.NIJOY
SMT.C.PRABITHA

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. DHANYA,
D/O GOPALAKRISHNAN, CHIRAKKAL HOUSE,
THENKURISSI P.O,
ALATHUR TALUK, PALAKKAD - 678 541.

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2521 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: COPY OF THE COMPLAINT IN CMP NO.16 OF 2015 ON THE
FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHITTUR.

ANNEXURE A2: COPY OF THE FIR IN CRIME NO.56 OF 2015 DATED
15.1.2015 OF PUDUNAGARAM POLICE STATION.

ANNEXURE A3: COPY OF THE AFFIDAVIT DATED 8.4.2015 OF THE 2ND
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2521 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.56/2015 of the Pudunagaram Police Station, registered under Sections 323 and 498A r/w 34 of the Indian Penal Code on the complaint of one Dhanya. 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 Dhanya 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

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 the prosecution; be it at the crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the 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.56/2015 of the Pudunagaram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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