

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

CrI.MC.No. 2657 of 2015 ()

CRIME NO. 244/2010 OF PATTAMBI POLICE STATION, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED 1 TO 5:

1. MUHAMMED NASAR, AGED 31 YEARS,
S/O.MUHAMMED, MANNINGAL HOUSE, KIZHYUR,
PATTAMBI, PALAKKAD.
2. MUHAMMED, AGED 79 YEARS,
S/O.MUHAMMED, MANNINGAL HOUSE, KIZHYUR,
PATTAMBI, PALAKKAD.
3. NAFEESSA, AGED 54 YEARS,
D/O.HAMSA, MUNDATH HOUSE, KONDUKKARA,
PATTAMBI, PALAKKAD DISTRICT.
4. HASEENA, AGED 39 YEARS, W/O.ABDUL RAHIMAN,
AMBALATH HOUSE, PO.NHANGATTIRI,
(VIA) PATTAMBI, PALAKKAD DISTRICT.
5. JASMINE, AGED 29 YEARS,
W/O.ASHARAF, ARAKKAPARAMBIL, ULLANOOR,
(PO), TRITHALA, PALAKKAD DISTRICT, PIN -679 534

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S)/STATE & DEFACTO COMPLAINT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HON'BLE HIGH COURT OF KERALA, ERNAKULAM, PIN -682 031
2. RAMSEENA, AGED 25 YEARS,D/O.HAMSA,
MANAMKANDATH HOUSE, (PO) PERINGODE,
KOOTANAD (VIA), NAGALASSERY VILLAGE, PATTAMBI TALUK,
PIN- 679 533

**R1 BY PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN
R2 BY ADV. SRI.K.C.KIRAN**

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

sts

Crl.MC.No. 2657 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX 1: TRUE COPY OF THE PRIVATE COMPLAINT DATED 05.03.2010 FILED BY
THE 2ND RESPONDENT AGAINST THE PETITIONERS BEFORE JFCM
COURT, PATTAMBI**
- ANNEX 2: CERTIFIED COPY OF THE RE-REGISTERED FIR IN PATTAMBI POLICE
STATION CRIME NO.244/2010 DATED 17.04.2010**
- ANNEX 3: AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/2ND
RESPONDENT DATED 27.11.2014**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P. UBAID, J.

Crl.M.C.No.2657 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.244/2010 of the Pattambi Police Station, registered under Section 498(A) read with 34 IPC on the complaint of one Remseena. 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 Remseena 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 now.

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.244/2010 of the Pattambi Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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