

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.MC.No. 3739 of 2015

CRIME NO. 212/2015 OF CHALISSERY POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED NOS.2 TO 5:

1. JAYADAS,
S/O. KESAVAN NAIR(LATE), 'RESMI', THRIKKANDIYOOR,
TIRUR, MALAPPURAM DISTRICT.
2. REMANI
W/O. JAYADAS, 'RESMI', THRIKKANDIYOOR,
TIRUR, MALAPPURAM DISTRICT.
3. ARUN JAYADAS NAIR,
S/O. JAYADAS, 'RESMI', THRIKKANDIYOOR,
TIRUR, MALAPPURAM DISTRICT.
4. MEENAKSHI,
W/O. ARUN JAYADAS NAIR, 'RESMI', THRIKKANDIYOOR
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031,
FOR THE SUB INSPECTOR OF POLICE
CHALISSERY POLICE STATION, PALAKKAD DISTRICT.
2. NEETHU,
D/O. SUBRAMANIAM, 'KARTHIKA', NELLIKKATTIRI,
THIRUMITTAKKODE, PATTAMBI,
PALAKKAD DISTRICT-679 533.

R2 BY ADV. SRI.P.P.THAJUDEEN

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-09-2015, ALONG WITH CRL.M.C NO.6291/2015 THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3739 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A : COPY OF THE PRIVATE COMPLAINT FILED BY THE 2ND
RESPONDENT BEFORE THE JFCM, PATTAMBI, DTD.26.2.2015.

ANNEXURE B : COPY OF THE FIR IN CRIME NO.212/2015 OF THE
CHALISSERY POLICE STATION, DTD.6.3.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C Nos.3739 & 6291 of 2015

Dated this the 23rd day of September, 2015

O R D E R

The FIR and further proceeding in Crime No.212/2015 of the Chalissery Police Station, registered under Sections 406 and 498A r/w 34 of the Indian Penal Code are sought to be quashed. The petitioner in Crl.M.C No.6291/2015 is the first accused in the crime, and the petitioners in Crl.M.C No.3739/2015 are the accused Nos.2 to 5 in the crime. The petitioners seek orders on the ground of amicable settlement of the disputes between them out of court. Crime in this case was registered by the police on the complaint of one Neethu, who is the 2nd respondent herein. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and her claims also stand settled. It is submitted that the parties have decided to part ways in terms of the settlement. In such a situation, it is appropriate that the pending prosecution be quashed.

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.212/2015 of the Chalissery Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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