

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937**

**Crl.MC.No. 3949 of 2015**  
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**CRIME NO. 320/2015 OF WANDOOOR POLICE STATION, MALAPPURAM**

**PETITIONER(S)/ACCUSED :-**  
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**SOORAJ POOVANKULATHIL,  
S/O.NARAYANAN EZHURTHACHAN,  
POOVANKULATHIL HOUSE,  
POOVATHIPOYIL, VAZHIKKADAVU,  
MALAPPURAM DISTRICT**

**BY ADVS.SRI.BABU S. NAIR  
SRI.R.RANJITH**

**RESPONDENT(S)/STATE & COMPLAINANT :-**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
KOCHI-682031 - FOR THE SUB INSPECTOR OF POLICE,  
WANDOOOR POLICE STATION,**
- 2. SHIFNA T.P.,D/O. KUNHIMUHAMMED, THACHUPARAMBAN VEEDU,  
KARAKKAPARAMBU ROAD, KUTTIYIL, VANIYAMBALAM PO,  
WANDOOOR, MALAPPURAM DISTRICT, 679 339.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR  
R2 BY ADV. SMT.M.LISHA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 29-07-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 3949 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A: TRUE COPY OF THE FIR IN CRIME NO.320/2015 OF THE WANDOOOR  
POLICE STATION DATED, 27.4.2015.**

**ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT  
BEFORE DATED, 27.5.2015.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.No.3949 of 2015**

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Dated this the 29<sup>th</sup> day of July, 2015

**ORDER**

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.320 of 2015 of the Wandoor Police Station, Malappuram, registered under Sections 376 and 420 of the Indian Penal Code on the complaint of one Shifna T.P. 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 is the 2<sup>nd</sup> 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 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.

3. The victim appeared before me as directed and submitted that she had been in-law with the petitioner and that due to some objections within the family, they could not get married. She also submitted that she happened to prefer a complaint against the petitioner on some misapprehension, and she was in fact prompted by the relatives to file such a complaint. I am satisfied that everything happened between them was in fact consensual. I find that the complaint of rape in this case is really doubtful. Anyway, the parties have come to terms, and the petitioner has already married another lady. The victim now does not want to prosecute the matter or to spoil that matrimony.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.320 of 2015 of the Wandoor Police Station, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE