

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Cr1.MC.No. 4312 of 2015

CRIME NO. 369/2014 OF DEVIKULAM POLICE STATION, IDUKKI

PETITIONERS/1ST AND 2ND ACCUSED:

1. RAJKUMAR, AGED 25 YEARS,
S/O.CHELLADURAI, CHOKKANADU ESTATE,
SOUTH DIVISION,
MUNNAR, IDUKKI DISTRICT.
2. DURAI, AGED 43 YEARS,
S/O.MADAN, CHOKKANADU ESTATE, SOUTH DIVISION,
MUNNAR, IDUKKI DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENTS/STATE, DEFACTO COMPLAINANT AND INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MANIMOZHY, AGED 37 YEARS,
W/O.THAJESWARAN, X/989, M.G.COLONY,
MUNNAR, IDUKKI DISTRICT, PIN-685 612.
3. PREMKUMAR, AGED 31 YEARS,
S/O.KARUPPASWAMY, SOUTH DIVISION, CHOCKANADU ESTATE,
K.D.H.VILLAGE, DEVIKULAM TALUK,
IDUKKI DISTRICT. 685 612.

R2,3 BY ADV. SMT.C.G.VINODINI

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4312 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A- COPY OF THE FIR TOGETHER WITH FIS IN CRIME NO.369 OF
2014 OF DEVICULAM POLICE.

ANNEXURE B- COPY OF THE AFFIDAVIT DATED 8.7.2015 OF THE 2ND
RESPONDENT.

ANNEXURE C- COPY OF THE AFFIDAVIT DATED 8.7.2015 OF THE 3RD
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 4312 of 2015

Dated this the 13th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.369/2014 of the Devikulam Police Station, registered under Sections 323, 324, 354 and 341 r/w 34 of the Indian Penal Code on the complaint of one Premkumar. 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 Premkumar is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

2. The other person who sustained injuries in the alleged incident is the 2nd respondent. She has also filed affidavit to the effect that she has settled the dispute with the accused, and she has no grievance or complaint now.

3. 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. On a perusal of the FI Statement I find that this is practically a case of assault or use of criminal force on a woman, which will not constitute an offence under Section 354 of IPC. Anyway, the dispute now stands settled and the complainant does not want to prosecute the matter.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.369/2014 of the Devikulam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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