

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4349 of 2015

CMP NO.4220/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD

CRIME NO. 1083/2015 OF CHAVAKKAD POLICE STATION , TRISSUR

PETITIONER/ACCUSED :-

**SHAMEER, AGED 35 YEARS,
S/O.KHADAR, PARATTUVEETIL KOOTINTAKAYIL HOUSE,
VENKIDANGU VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENTS/STATE & COMPLAINANT :-

- 1. STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ZARINA, AGED 32 YEARS,
D/O.MUHAMMED MOITHEEN, MAMMASRAYILLATH HOUSE,
VENKIDANGU DESOM, VENKIDANGU VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, PIN CODE - 680510.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADVS. SRI.HRITHWIK**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A : CERTIFIED COPY OF THE COMPLAINT CMP NO.4220/2015 FILED BY
THE 2ND RESPONDENT BEFORE THE JUDICIAL 1ST CLASS
MAGISTRATE COURT, CHAVAKKAD.**

**ANNEXURE-B : CERTIFIED COPY OF THE FIR IN CRIME NO.1083/2015 OF
CHAVAKKAD POLICE STATION.**

**ANNEXURE-C : AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/DE FACTO
COMPLAINANT.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4349 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1083 of 2015 of Chavakkad Police Station, registered under Sections 498 A, 323 and 506(ii) of IPC on the complaint of one Zarina. 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 Zarina 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 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.1083 of 2015 of Chavakkad Police Station, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE