

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. 4379 of 2015

CRIME NO. 399/2015 OF POOJAPPURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED A1 TO A4 :-

1. DHANESHAN,
S/O.MANOCHARAN, AGED 30 YEARS,
"DHANYA", THELIBHAGOM,
THIRUMALA P.O., THIRUVANANTHAPURAM.
2. HAREESH KUMAR,
S/O.MOHANAN NAIR, AGED 25 YEARS,
BHAGAVATHI VILASOM,
VIJAYAMOHINI MILL,
MALAYINKEEZHU P.O., THIRUVANANTHAPURAM.
3. AJI @ ANIL KUMAR,
S/O.MOHAN KUMAR NAIR, AGED 29 YEARS,
SHAJI NIVAS,
PERUNKAVU, MALAYINKEEZHU P.O., THIRUVANANTHAPURAM.
4. SREEJITH UNNI, S/O.VIJAYAKUMAR,
AGED 24 YEARS, MANGARATHALA VEEDU,
THIRUMALA P.O.,
THIRUVANANTHAPURAM.

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.SANDEEP T.GEORGE**

RESPONDENT/STATE, DEFACTO COMPLAINANT :-

1. THE STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.
2. MANJU, AGED 38 YEARS,
D/O.SHAYAMALA, KULAMVARA VEEDU,
V & R 35(3), VIDHYADHIRAJA NAGAR, POOJAPPURA,
SHASTHAMANGALAM, THIRUVANANTHAPURAM - 695 001.

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3. SURESH, S/O.SURENDRAN,
AGED 27 YEARS, TC 17/1314,
CHEPPALI KULAMVARAMBIL VEEDU,
VIDHYADHIRAJA NAGAR,
POOJAPPURA, SHASTHAMANGALAM,
THIRUVANANTHAPURAM - 695 001.
4. RADHAKRISHNAN, AGED 38 YEARS,
S/O.GOVINDAN, TC 17/1314,
CHEPPALI KULAMVARAMBIL VEEDU,
VIDHYADIRAJA NAGAR, POOJAPPURA,
SHASTHAMANGALAM,
THIRUVANANTHAPURAM - 695 001.

R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 - R4 BY ADV. SMT.BREJITHA UNNIKRISHNAN

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 FIR IN CRIME NO.399/15 OF POOJAPPURA
POLICE STATION, THIRUVANANTHAPURAM.**

**ANNEXURE-B: ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT
DTD.28.5.15.**

**ANNEXURE-C: ATTESTED COPY OF THE VOTER ID CARD OF THE 2ND
RESPONDENT.**

**ANNEXURE-D: ORIGINAL AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT DTD
28.5.15.**

**ANNEXURE-E: ATTESTED COPY OF THE AADHAAR CARD OF THE 3RD
RESPONDENT.**

**ANNEXURE-F: ORIGINAL AFFIDAVIT EXECUTED BY THE 4TH RESPONDENT
DTD.28.5.15.**

**ANNEXURE-G: ATTESTED COPY OF THE VOTER ID CARD OF THE 4TH
RESPONDENT.**

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.4379 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.399 of 2012 of Poojappura Police Station, Thiruvananthapuram registered under Sections 294(b), 322, 354, 354(A)(1), 354(A)(2) and 34 of Indian Penal Code on the complaint of one Manju. 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 Manju 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. The other persons who sustained injuries in the alleged incident are the respondents 3 and 4. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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. On a reading of the complaint that led to the crime, I find nothing definite to attract the offence under Section 354 IPC, or the necessary ingredients of such an offence. A mere assault or use of criminal force on a woman will not by itself attract Section 354 IPC. Anyway the parties have come to terms and they are now on cordial terms.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.399 of 2012 of Poojappura Police Station, Thiruvananthapuram 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