

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Cr1.MC.No. 4571 of 2015

CRIME NO. 203/2015 OF KOTTIYAM POLICE STATION , KOLLAM

PETITIONERS/ACCUSED NOS 1 TO 4:

1. SHAJI ANTONY @ SAJI ANTONEY,
KANJIRAMVILA VEEDU, THAUZHUTHALA, MYLAKKAD P.O,
KOLLAM, PIN 691571.
2. REJI ANTONY,
KANJIRAMVILA VEEDU, THAUZHUTHALA, MYLAKKAD P.O,
KOLLAM, PIN 691571.
3. S.ANTONY,
KANJIRAMVILA VEEDU, THAUZHUTHALA, MYLAKKAD P.O,
KOLLAM, PIN 691571.
4. CRISTANSIYA ANTONY, KANJIRAMVILA VEEDU,
THAUZHUTHALA, MYLAKKAD P.O., KOLLAM,
PIN 691571.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM THROUGH
THE SUB INSPECTOR OF POLICE
KOTTIYAM POLICE STATION, KOLLAM DISTRICT.
2. SHAJINA, AGED 35 YEARS,
WIFE OF SHAJI ANTONY, RESIDING AT KANJIRAMVILA VEEDU,
MYLAKKAD CHERRY, ADICHANALLOOR VILLAGE, KOLLAM TALUK
PIN 691573.

R2 BY ADV. SRI.S.SREEKUMAR (KOLLAM)
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4571 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FIR IN CRIME NO.203 OF 2015 OF KOTTIYAM
POLICE STATION.

ANNEXURE-A2: COPY OF THE AFFIDAVIT DATED 7TH JULY 2015 HAS BEEN
SWORN BY THE SECOND RESPONDENT BEFORE THE HON'BLE COURT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4571 of 2015

Dated this the 21st day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.203/2015 of the Kottiyam Police Station, registered under Sections 323, 354 and 498A r/w 34 of the Indian Penal Code on the complaint of one Shajina. 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 Shajina 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 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. It is submitted that the complainant has now joined the accused in matrimony, and that they are now living happily and peaceably as husband and wife. In such a situation continuance of the prosecution will do harm and hardship to them and will create further problems in matrimony. It is appropriate that the prosecution be quashed. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.203/2015 of the Kottiyam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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