

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 4591 of 2015 ()

CRIME NO. 151/2014 OF ELATHUR POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

DR. MUJEEB RAHMAN AGED 40 YEARS
S/O.BEERANKUTTY, DARUL MINBA HOUSE, ATHOLI P O
KOYILANDY TALUK, KOZHIKODE DISTRICT

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS/STATE AND DEFACT COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682031
REPRESENTING SUB INSPECTOR OF POLICE
ELATHOOR POLICE STATION, ELATHOOR 673303
KOZHIKODE DISTRICT

2. JAFLA, AGED 29 YEARS
MABROOKH, V K ROAD, ATHOLI 673315
KOZHIKODE DISTRICT

R2 BY ADV. SRI.ARUN MATHEW VADAKKAN
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
19-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4591 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE:-CERTIFIED COPY OF FIRST INFORMATION REPORT DTD 18/3/2014
IN CRIME NO 151/2014 OF ELATHOOR POLICE STATION

ANNEXURE :-AFFIDAVIT OF THE DEFACTO COMPLAINANT AND DTD 9/7/2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.4591 of 2015**  
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Dated this the 19th August, 2015

ORDER

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.151 of 2014 of Elathoor Police Station, Kozhikode registered under Sections 354A and 376 read with 511 of Indian Penal Code, on the complaint of one Jafla. 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 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 now.

2. The victim of offence appeared before me as directed by the court, and submitted that she happened to make a complaint against the petitioner at the instance of her relatives including her husband. On interacting with the victim, I find something suspicious in the complaint. I am well satisfied that the victim was in fact instigated or

compelled to make complaint against the petitioner. Anyway, the matter now stands settled and the victim does not want to prosecute the matter.

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 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.151 of 2014 of Elathoor 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.S to Judge