

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4855 of 2015 ()

CRIME NO. 1318/2015 OF KILIKOLLOOR POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

**SUDHAKARAN D, AGED 67 YEARS,
S/O.DIVAKARAN, RESIDING AT SUDHI NIVAS, M.G.NAGAR -22,
KALLUMTHAZHAM, KILIKOLLOOR,
KOLLAM DISTRICT, PIN 681 004..**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 31.**
- 2. RESHMI, D/O.SUDHARMA, VADAKKAMANGATTU VEEDU,
NEAR APPOPPAN NADA, MANGADU CHERRY, MANGADU VILLAGE,
KOLLAM 691 009.**

**R BY PUBLIC PROSECUTOR
R BY SRI.SERGI JOSEPH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4855 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A1- THE CERTIFIED COPY OF THE FIR IN CRIME NO.1318/2015 OF
 KILIKOLLOOR POLICE STATION.**

**ANNEUXRE A2- AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT
 STATING THE SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA. TO JUDGE

AK

P.UBAID, J.

=====

Crl.M.C.No.4855 of 2015

=====

Dated this the 30th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1318 of 2015 of Kilikolloor Police Station, registered under Sections 498A and 354 of the Indian Penal Code on the complaint of one Reshmi. 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.

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.1318 of 2015 of Kilikolloor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE