

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 4891 of 2015

CRIME NO. 164/2015 OF NILESWAR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED NO.1 TO 3 :-

1. FAIZAL, AGED 43 YEARS,
S/O.LATE C.M.ABDUL RAHIMAN, PERAL,
NEAR F.C.I NILESHWAR POST, PERAL VILLAGE,
HOSDURG TALUK, KASARGOD DISTRICT.
2. FATHIMABI.A, AGED 60 YEARS,
PERAL, NEAR F.C.I, NILESHWAR POST, PERAL VILLAGE,
HOSDURG TALUK, KASARGOD DISTRICT.
3. NADIRA A., AGED 37 YEARS,
W/O.AMRITRAJ, PERAL, NEAR F.C.I, NILESHWAR POST,
PERAL VILLAGE, HOSDURG TALUK, KASARGOD DISTRICT.

BY ADV. SMT.REENA ABRAHAM

RESPONDENT(S)/COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. STATION HOUSE OFFICER,
NILESHWAR POLICE STATION, KASARGOD DISTRICT - 671 121.
3. NASIYA C.,
W/O.FAISAL, PERAL, NEAR F.C.I, NILESHWAR POST,
PERAL VILLAGE, HOSDURG TALUK,
KASARGOD DISTRICT - 671 314.

R BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R3 BY ADV. JYOTHI C.P

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 12-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4891 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1: CERTIFIED COPY OF FIR IN CRIME NO.164/2015 OF NILESWAR
POLICE STATION.**

ANNEXURE A2: AFFIDAVIT FILED BY 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4891 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.164 of 2015 of Nileshtar Police Station, Kasargod registered under Sections 323, 326, 468(A), 342, 506(1), 307 and read with Section 34 of the Indian Penal Code on the complaint of one Nasiya. 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 3rd 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 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. The victim of offence appeared before me as directed, and submitted that she has reunited with her husband, and that she is now leading a very happy matrimony with her husband. Her affidavit, and also her statement before me will show that the complaint happened to be made on some misapprehension, and at the instigation of some politicians, who intervened in the family dispute. On interacting with the victim, I find that she had not in fact sustained any severe injury, and there was no attempt on her life by her husband, but she made such a complaint at the instigation of the politicians. The victim and her husband stated before me that they are now very happy with the children, and there is nothing wrong in their matrimony now. In such a situation, continuance of the prosecution will cause embarrassment to them, and it may even defile their happy matrimony. The three children also appeared before the Court. They are now very happy with their father and mother. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.164 of 2015 of Nileshtar Police Station, Kasargod will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE