

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Cr1.MC.No. 5018 of 2015

CRIME NO. 812/2015 OF OTTAPALAM POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED:

1. HAMSATHALI
S/O. ABDUL AZEEZ, ANJILAKKADAVATH HOUSE, PEROOR P.O,
PATHIRIPALA, PALAKKAD DISTRICT.
2. ABDUL AZEEZ A.A
S/O. ALI MUHAMMED, ANJILAKKADAVATH HOUSE, PEROOR P.O.
PATHIRIPALA, PALAKKAD DISTRICT.
3. KADEEJA,
W/O. ABDUL AZEEZ, ANJILAKKADAVATH HOUSE, PEROOR P.O.
PATHIRIPALA, PALAKKAD DISTRICT.
4. SULAIKHA.A,
W/O. ABDUL RASHEED, D/O. ABDUL AZEEZ,
ANJILAKKADAVATH HOUSE, PEROOR P.O., PATHIRIPALA,
PALAKKAD DISTRICT.
5. NOOR MUHAMMED.A,
S/O. ABDUL AZEEZ, ANJILAKKADAVATH HOUSE, PEROOR P.O.
PATHIRIPALA, PALAKKAD DISTRICT.

BY ADV. SRI.P.JAYARAM

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. RAHISHA,
W/O. HAMSATHALI, ANJILAKKADAVATH HOUSE, PEROOR P.O.
PATHIRIPALA, PALAKKAD DISTRICT - 679 302.

R2 BY ADV. SRI.A.HAROON RASHEED

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 5018 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1 - COPY OF THE FIRST INFORMATION REPORT WITH FIRST INFORMATION
STATEMENT IN CRIME NO. 812/2015, OTTAPALAM POLICE STATION.

A2 - AFFIDAVIT DT. 01.8.2015 SWORN TO AND EXECUTED BY THE
DEPONENT/2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5018 of 2015

Dated this the 5th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.812/2015 of the Ottapalam Police Station, registered under Sections 323, 498(A) and 506(1) of the Indian Penal Code on the complaint of one Rahisha. 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 Rahisha is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has reunited with the husband, and that they are leading a happy matrimony now with a son born in the wedlock. In such a situation, continuance of the prosecution will cause problems in their matrimony.

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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.812/2015 of the Ottapalam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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