

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

Crl.MC.No. 5043 of 2015

CRIME NO. 770/2015 OF PUTHUR POLICE STATION , KOLLAM

PETITIONER(S)/1ST AND 2ND ACCUSED :-

1. THULASI, AGED 39 YEARS,
S/O. KOCHUKUNJU, ARUN BHAVAN, POREECKKAL,
PAVITHRESWARAM VILLAGE, KOLLAM DISTRICT - 691 001.
2. ARUN, AGED 18 YEARS,
S/O. THULASI, ARUN BHAVAN, POREECKKAL,
PAVITHRESWARAM VILLAGE, KOLLAM DISTRICT - 691 001.

**BY ADVS.SRI.BIMAL K.NATH
SRI.SREEVALSAN.V**

RESPONDENT(S)/COMPLAINANT/DE-FACTO COMPLAINANT :-

1. SUB INSPECTOR OF POLICE,
PUTHUR POLICE STATION(KOLLAM),
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 31.
2. PRABHA, AGED 19 YEARS,
D/O. USHA, PRASANTH BHAVAN, PEREECKKAL,
PAVITHRESWARAM VILLAGE, KOLLAM DISTRICT - 691 001.

**R1 BY SMT V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SMT.SONIYA.M**

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

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Crl.MC.No. 5043 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 - A TRUE COPY OF THE FIR IN CRIME NO. 770/2015 IN PUTHOOR
POLICE STATION.**

ANNEXURE A2 - A TRUE COPY OF AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5043 of 2015

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Dated this the 5th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.770 of 2015 of Puthoor Police Station, Kollam registered under Sections 354, 294(b), 427 and 509 read with Section 34 of the Indian Penal Code on the complaint of one Prabha. 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 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.770 of 2015 of Puthoor Police Station, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE