

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Crl.MC.No. 5129 of 2015

CRIME NO. 672/2014 OF EDAKKAD POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED :-

- 1. SATHEESH KUMAR, S/O.G.SURENDRAN NAIR,
AGED 35 YEARS, OLD NO.1, NEW NO.5-A,
17 STREET, TANSI NAGAR, VELACHERY,
CHENNAI, TAMIL NADU.**
- 2. MANIMEGHALA, W/O.G.SURENDRAN NAIR, AGED 53 YEARS,
OLD NO.1, NEW NO.5-A, 17 STREET,
TANSI NAGAR, VELACHERY, CHENNAI,
TAMIL NADU.**
- 3. G.SURENDRAN NAIR, S/O.VANGADHANRAN, AGED 58 YEARS,
OLD NO.1, NEW NO.5-A, 17 STREET
TANSI NAGAR, VELACHERY, CHENNAI
TAMIL NADU.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.ASHIS**

RESPONDENT(S)/RESPONDENT/ COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSEUCTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. G.SIJALA, D/O.P.M.GANGADHARAN, AGED 29 YEARS,
SUKRUTHAM, EDAKKAD PO,
KANNUR - 676001.**

**R1 BY SMT. V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.D.SREEVISAKH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 5129 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I- CERTIFIED COPY OF THE F.I.R IN CRIME NO.672 OF 2014 OF
EDAKKAD POLICE STATION.**

**ANNEXURE II- TRUE COPY OF THE ORDER IN OP NO.3788 OF 2014 OF THE IIND
ADDITIONAL FAMILY COURT AT CHENNAI DATED 19.5.2015.**

ANNEXURE III- AFFIDAVIT DATED 4.8.15 SWORN BY 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.5129 of 2015

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Dated this the 7th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.672 of 2014 of Edakkad Police Station, registered under Sections 498(A), 406 and read with Section 34 of the Indian Penal Code on the complaint of one G. Sijala. 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.

3. The victim's affidavit shows that she and her husband have already filed a joint petition under Section 13-B of the Hindu Marriage Act, that she has received all her claims from her husband, and the whole dispute stand resolved forever.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.672 of 2014 of Edakkad Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE