

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

CrI.MC.No. 5286 of 2015 ()

CRIME NO. 280/2015 OF KOTTAKKAL POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

NOOR ISLAM S.K.
S/O AZEEZUL S.K, NATUNGRAM, KARUL
KATWA, BURDWAN, WEST BENGAL

BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)

RESPONDENT(S)/STATE& COMPLAINANT:

1. THE STATE OF KERALA
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
RNAKULAM KOCHI-682 031-FOR THE SUB INSPECTOR OF POLICE
KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT

2. SUKRUNA KHATUN
D/O AKBAR KHATUN@ AKBAR KHAN, INDRAPUR, MONDALGRAM
MEMARI DISTRICT, BURDWAN, WESTBENGAL
PIN - 713101

R2 BY ADV. SMT.M.LISHA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
18-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5286 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF THE FIR IN CRIME NO.280/15 OF THE KOTTAKKAL
POLICE STATION DT. 8/3/15

ANNEXURE B: TRUE OF THE NOTICE RECEIVED BY THE 2ND RESPONDENT FROM
THE JFCM-I, PARAPPANANGADI DT. 14/8/15

ANNEXURE C: TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER
AND THE 2ND RESPONDENT DT. 28/5/15

ANNEXURE D: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DT. 8/8/15

RESPONDENT(S)' EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5286 of 2015**  
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Dated this the 18th August, 2015

ORDER

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.280/2015 of Kottakkal Police Station, registered under Sections 323, 324, 344, 506 (i) and 354 of Indian Penal Code on the complaint of one Sukruna Khatun. 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 now.

2. The victim of offence appeared before me as directed by the court, and submitted that the petitioner herein is none other than her husband. The parties have also produced copy of the marriage certificate. It is not known how a complaint happened to be made, or a crime

happened to be registered against her husband under Section 376 or under Section 354 I.P.C. The victim submitted that a complaint happened to be made on some misapprehension, and that the Police prepared the First Information Statement without properly understanding what she stated in her language. I am well satisfied that the parties have settled the whole dispute and there is nothing wrong between them. I am well satisfied that they are now leading a happy matrimony as man and wife. In such a situation, continuance of this proceeding will embarrass them and may even defile their happy matrimony. It is appropriate that further proceedings in the crime be quashed.

3. 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.280 of 2015 of Kottakkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge