

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Cri.MC.No. 5473 of 2015 ()

CRIME NO. 6/2014 OF KENICHIRA POLICE STATION , WAYANAD DISTRICT

PETITIONER/ACCUSED:

**GEORGE A.J., AGED 44 YEARS
S/O.JOHNY, ARIMAKKAL HOUSE, MECHAL
MUNNILAVU AMSAM, MEENACHIL, KOTTAYAM.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS/COMPLAINANT:

- 1. SREEKALA, AGED 48 YEARS
W/O.SUNDARAN, SIVAGANGA, KOLERI
KENICHIRA, WAYANAD.**
- 2. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KENICHIRA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.G.SIJI
BY ADV. SRI.S.EASWARAN
R2 BY PUBLIC PROSECUTOR SMT. REMA R.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5473 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-I. A CERTIFIED COPY OF THE FIR IN CRIME NO.6/2014 OF KENICHIRA
POLICE STATION FILED BEFORE THE JFCMC-II, SULTHAN BATHERI.**

ANNEXURE-II. AFFIDAVIT SWORN BY R1 THE DE FACTO COMPLAINT IN ANNEXURE-I.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.5473 of 2015

Dated this the 7th day of September, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.6/2014 of the Kenichira Police Station, registered under Sections 441, 447, and 354 IPC, on the complaint of one Sreekala. 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 Sreekala is the 1st 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. The victim of offence appeared in court as directed, and submitted that she came to terms quite voluntarily in her best interest as a teacher, and that she does not want an exposure to a trial process. She submitted that the whole dispute stands resolved forever, and that if the prosecution continues, it will affect her career as a teacher. I am well satisfied that the complainant came to terms quite voluntarily, and that such a course was thought of by her in her best interest as a teacher. Continuance of prosecution in such a situation, and exposure of

the complainant to the process of trial will cause embarrassment to her, and may even adversely effect her career as a teacher. It is appropriate that the prosecution be quashed in such a situation.

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.6/2014 of the Kenichira Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd