

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

Crl.MC.No. 5676 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN Crl.MC 2081/2015 of HIGH COURT OF
KERALA DATED 06-04-2015
CRIME NO. 534/2010 OF KUNNATHUNADU POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED NOS.1 TO 3:

1. SOORAJ JACOB AGED 35 YEARS
S/O.M.K.JACOB, MADAPPARAMBIL HOUSE,
SOUTH MAZHUVANNOOR, KOLENCHERY.
2. KANNAN N.L, AGED 39,
S/O.V.M.JAYACHANDRAN,
SANTHIGEETHAM, K.P.VALLON ROAD,
SANTHI NAGAR, KADAVANTHRA.
3. COLINS.A.X, AGED 34,
S/O.K.G.XAVIOUR,
ANJIPPARAMBIL HOUSE,
MATHA NAGAR, ELEMKULAM VILLAGE,
ERNAKULAM.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

1. VIDHULA CHERIYAN, AGED 31,
W/O.SURAJ JACOB,
NOW RESIDING AT RANI PINK,
DOOR NO.39/5386,
PLOT NO.1 PANAMPILLY NAGAR,
KOCHI - 36.
2. STATE OF KERALA, REPRESENTED BY THE
S.I. OF POLICE, KUNNATHUNADU,
(CRIME NO.534/10) POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM).

R1 BY ADV. SRI.PHILIP T.VARGHESE
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5676 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE-I: A CERTIFIED COPY OF THE FIR IN CRIME 534/2010
PENDING ON THE FILE OF JFCM COURT, KOLENCHERY

ANNEXURE II: PHOTOCOPY OF THE COMPLAINT DATED 11.8.2010 FILED BY
R1

ANNEXURE III: COPY OF THE ORDER IN CRL.M.C 2081/2015 DATED
6.4.2015 PASSED BY THIS HON'BLE COURT

ANNEXURE IV: AFFIDAVIT SWORN BY R1 THE DEFACTO COMPLAINANT IN
ANNEXURE-I

RESPONDENTS EXHIBITS

/TRUE COPY

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5676 of 2015**  
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Dated this the 21st August, 2015

ORDER

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.534 of 2010 of Kunnathunadu Police Station, registered under Sections 420, 468, 471 and 120 (b) read with 34 of Indian Penal Code on the complaint of one Vidula. 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 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 now.

2. The victim's affidavit shows that the dispute does not involve any public interest. Though the offences of forgery and cheating are alleged, I find that it is really part of a matrimonial dispute, which also stands resolved forever. In such a situation, it is appropriate that this

proceeding also 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.534/2010 of Kunnathunadu 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