

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 5762 of 2015 ()

CRIME NO. 473/2015 OF KANAKAKUNNU POLICE STATION, ALAPPUZHA DISTRICT

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PETITIONER/DEFACTO COMPLAINANT:

**SAFIYANATH, AGED 39 YEARS
W/O. NOUSHAD, KOCHUKATTIL VEEDU, PATOLI MARKET P.O.
KANDALLOOR NORTH, KANDALLOOR VILLAGE, KANAKAKKUNNU
ALAPPUZHA - 690 531.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR**

RESPONDENTS/STATE AND THE ACCUSED:

- 1. THE SUB INSPECTOR OF POLICE
KANAKAKKUNNU POLICE STATION, KANAKAKKUNNU P.O.
ALAPPUZHA - 690 506.**
- 2. NOUSHAD, KOCHUKATTIL VEEDU, PATOLI MARKET P.O.
KANDALLOOR NORTH, KANDALLOOR VILLAGE, KANAKAKKUNNU
ALAPPUZHA - 690 531.**

R1 BY PUBLIC PROSECUTOR SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

A1 - CERTIFIED COPY OF THE FIR NO. 437/2015 OF THE KANAKAKKUNNU POLICE STATION, DT. 28.6.2015.

A2 - TRUE PHOTOSTAT COPY OF THE AFFIDAVIT SWORN BY THE PETITIONER BEFORE THE NOTARY PUBLIC, DT. 18.8.2015.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

P. UBAID, J.

Crl.M.C.No.5762 of 2015

Dated this the 3rd day of September, 2015

O R D E R

The defacto complainant in crime No.473/2015 of the Kanakakkunnu Police Station, registered under Section 323, 324, 294(B) and Section 326 IPC seeks orders quashing the FIR and further proceedings in the said crime on the ground of amicable settlement of whole dispute between her and the accused, who is none other than her husband. As directed by the court, both the parties appeared in court in person, and submitted that there is nothing wrong between them, and that the whole dispute stands resolved. On interacting with the petitioner and the accused, I find that the alleged incident happened in connection with some disputes within the family, and when the victim ran to escape from the husband she fell down and sustained injuries. She says that now she is very happy with her husband and children, and she does not have any complaint or grievance now. The husband has now realised the mistake on his part, and he submits that he will lead a very happy matrimonial life with his wife. In such a

situation it is appropriate that the prosecution be quashed. The complainant has filed an affidavit in support of the application and in this affidavit also she has stated that the whole problems stands resolved. In such a situation continuance of the prosecution will cause embarrassment to them, and may create further problems in their matrimony.

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 prosecution; whatever be the stage of it; if the parties have really settled the whole dispute, or if continuance of the prosecution in such a case will not serve any purpose.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No. 473/2015 of the Kanakakkunnu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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