

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. 5942 of 2015

CRIME NO. 330/2015 OF PERINTHALMANNA POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED NO.1-4 :-

- 1. AALI, CHEENIKAL HOUSE, ARAKAPARAMBA, PALLIKUNNU, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 2. RASHEED, S/O AALI, CHEENIKAL HOUE, ARAKAPARAMBA, PALLIKUNNU, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 3. ALI AKBAR, S/O AALI, CHEENIKAL HOUE, ARAKAPARAMBA, PALLIKUNNU, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 4. ABDUL KAREEM, S/O AALI, CHEENIKAL HOUSE, ARAKAPARAMBA, PALLIKUNNU, PERINTHALMANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT/INJURED :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM – 682 031. (THROUGH STATION HOSUE OFFICER,
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT.)**
- 2. YOUSUF, S/O MOHAMMED @ KUNHIPPA,
AGED 63 YEARS,CHEENIKAL HOSUE, ARAKAPARAMBA,
PALLIKUNNU, PERINTHALMANNA, MALAPPURAM DISTRICT,
PIN – 679 322.**
- 3. SAINABA, W/O YOUSUF, AGED 49 YEARS,
CHEENIKAL HOSUE, ARAKAPARAMBA,
PALLIKUNNU, PERINTHALMANNA, MALAPPURAM DISTRICT,
PIN – 679 322.**

**R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.MANSOOR.B.H.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5942 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A: COPY OF THE F.I.R AND F.I.S IN CRIME NO.330/2015 OF
PERINTHALMANNA POLICE STATION.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5942 of 2015

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Dated this the 3rd day of September, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.330 of 2015 of Perinthalmanna Police Station, Malappuram registered under Sections 448, 341, 323 and 354 read with Section 34 of the Indian Penal Code on the complaint of one Yousuf. 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. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint. The other person who sustained injuries in the alleged incident is the 3rd respondent. She has also filed affidavit to the effect that she has settled the dispute with the accused, and she has no grievance or complaint now.

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; 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. On a perusal of the FI Statement, I find that this is not in fact a case involving the offence under Section 354 IPC. A mere assault or use of criminal force on a woman will not by itself attract Section 354 IPC. Anyway, the dispute now stands settled amicably.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.330 of 2015 of Perinthalmanna Police Station, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE