

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

Cr1.MC.No. 5997 of 2015

CRIME NO. 1207/2014 OF PALLURUTHY POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 6:

1. VINEESH BABU, PALLIPARAMBU HOUSE,
EDA KOCHI, ERNAKULAM DISTRICT.
2. VAMAKESHAN, PALLIPARAMBU HOUSE,
EDA KOCHI, ERNAKULAM DISTRICT.
3. AMBUJAKSHI, PALLIPARAMBU HOUSE,
EDA KOCHI, ERNAKULAM DISTRICT.
4. MANI, PALLIPARAMBU HOUSE,
EDA KOCHI, ERNAKULAM DISTRICT.
5. KALA, PALLIPARAMBU HOUSE,
EDA KOCHI, ERNAKULAM DISTRICT.
6. SARASWATHI, PALLIPARAMBU HOUSE,
EDA KOCHI, ERNAKULAM DISTRICT.

BY ADV. SRI.V.PREMCHAND

RESPONDENTS/COMPLAINANT:

1. ANJANA,
PANDARAPARAMBIL HOUSE, PONJIKARA, MULAVUKAD
ERNAKULAM.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.P.A.MUJEEB

R2 BY PUBLIC PROSECUTOR SMT.REENA.R

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5997 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I. COPY OF THE FIRST INFORMATION REPORT DATED
14.08.2014 IN CRIME NO.1207/2014 BEFORE THE KASABA POLICE
STATION PALLURUTHY.

ANNEXURE II. COPY OF THE AFFIDAVIT DATED 06.01.2015 EXECUTED
BY THE FIRST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5997 of 2015

Dated this the 7th day of September, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1207/2014 of the Kasaba Police Station, Palluruthy, registered under Sections 498A, 323 and 506(2) r/w 34 of the Indian Penal Code on the complaint of one Anjana. 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 Anjana is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, that she and her husband have decided to part ways, and that they have filed a joint petition for divorce before the Family Court. In such a situation, it is appropriate that the prosecution be quashed.

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 the prosecution; be it at the crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the 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.1207/2014 of the Kasaba Police Station, Palluruthy will stand quashed under Section 482 of the Code of Criminal Procedure. The first petitioner's passport surrendered before the learned Magistrate can be released to him.

**P.UBAID
JUDGE**

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