

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

CrI.MC.No. 6050 of 2015 ()

CRIME NO.91/2014 OF THE RAILWAY POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED:

**ACHAN KUNJU.M.M., AGED 49 YEARS
S/O.MATHAI, NO.A 302. INDIRA VIHAR QUARTERS
VAZHUTHAKKADU P.O, THIRUVANANTHAPURAM**

BY ADV. SRI.P.SHANES METHAR

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

- 1. DIVYA.P.RAVINDRAN
W/O. ARUN S, TT/SL/ERS, 5-A
RAILWAY QUARTERS, KAYAMKULAM**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

**R1 BY ADV. SMT.R.REJI (ATTINGAL)
R BY PUBLIC PROSECUTOR**

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

Crl.MC.No. 6050 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE 1 CERTIFIED COPY OF THE F.I.R INC RIME NO 91/14 OF RAILWAY POLICE
STATION, ALAPPUZHA**

ANNEXURE II AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6050 of 2015

Dated this the 9th day of September, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.91/2014 of the Railway Police Station, Alappuzha registered under Sections 353, 354A and 294(b) IPC, on the complaint of one Divya. 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 Divya 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's affidavit shows that the complaint in fact happened to be made on some misapprehension. Even otherwise it is doubtful how the offence under Section 354-A is involved in this case. Any way, the victim and the accused have come to terms amicably, and the victim now does not want to proceed further in the matter.

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.91/2014 of the Railway Police Station, Alappuzha will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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