

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Cr1.MC.No. 6140 of 2015

CRIME NO. 674/2015 OF KURATHIKADU POLICE STATION, ALAPPUZHA

PETITIONERS/ACCUSED:

1. SIVAPRASAD, AGED 32 YEARS,
S/O. SIVAN PILLAI, NADAYIL VADAKKETHIL,
PALLICKAL NADUVILEMURI, BHARANIKAVU,
MAVELIKARA TALUK, ALAPPUZHA DISTRICT.
2. PRADEEP, AGED 35 YEARS,
S/O. SIVAN PILLAI, NADAYIL VADAKKETHIL,
PALLICKAL NADUVILEMURI, BHARANIKAVU,
MAVELIKARA TALUK, ALAPPUZHA DISTRICT.
3. ASWATHI, AGED 27 YEARS,
W/O. PRADEEP, NADAYIL VADAKKETHIL
PALLICKAL NADUVILEMURI, BHARANIKAVU,
MAVELIKARA TALUK, ALAPPUZHA DISTRICT.
4. AMMINI AMMA, AGED 62 YEARS,
W/O. SIVAN PILLAI, NADAYIL VADAKKETHIL
PALLICKAL NADUVILEMURI, BHARANIKAVU,
MAVELIKARA TALUK, ALAPPUZHA DISTRICT.

BY ADVS.SRI.K.SASIKUMAR

SRI.S.ARAVIND

RESPONDENTS/RESPONDENTS:

1. ASWATHI, AGED 22 YEARS,
W/O.SIVAPRASAD, NADAYIL VADAKKETHIL,
PALLICKAL NADUVILEMURI, BHARANIKAVU,
MAVELIKARA TALUK-690503.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.

R1 BY ADV. SRI.R.ROHITH

R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6140 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1- COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.
674/2015 OF KURATHIKADU POLICE STATION.

ANNEXURE A2- COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT/COMPLAINANT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6140 of 2015

Dated this the 14th day of September, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.674/2015 of the Kurathikadu Police Station, registered under Sections 498A, 323, 324, 294(b) and 506(i) r/w 34 of the Indian Penal Code on the complaint of one Aswathi. 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 Aswathi is the 1st 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, and that she and her husband are now leading a very happy matrimony, with the child born in their wedlock. 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.674/2015 of the Kurathikadu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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