

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Crl.MC.No. 6223 of 2015 ()

CRIME NO. 1054/2015 OF PALARIVATTOM POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**MADHU K.M., S/O.MADHAVAN, AGED 35 YEARS
KIZHAKKEDATH HOUSE, CHERAI P.O.
PALLIPPURAM VILLAGE, PIN-683514**

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENT:

- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA – 682031**
- 2. JINCY MATHEW, D/O. MATHAI, AGED 35 YEARS
PERVAKKUNNEL HOUSE, KADAKKANADU
MAZHUVANOOR VILLAGE, KUNNATHUNADU TALUK - 686669**

R2 BY ADV. SRI.BIJU.V.JOHN

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.M.C.No.6223/2015

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE 1 CERTIFIED COPY OF THE FIR DATED 8.9.15 IN CRIME NO. 1054/2015 OF
PALARIVATTOM POLICE STATION**

**ANNEXURE 2 CERTIFIED COPY OF FI STATEMENT OF THE DE FACTO COMPLAINANT
DATED 8/9/15 IN CRIME NO.1054/15**

ANNEXURE 3 COMPROMISE DATED 11.9.15

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6223 of 2015

Dated this the 17th day of September, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1054/2015 of the Palarivattom Police Station, registered under Sections 354, 406, 506(ii) and 294(b) IPC, on the complaint of one Jincy Mathew. 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 Jincy Mathew is the 2nd 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.

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.1054/2015 of the Palarivattom Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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