

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

CrI.MC.No. 6296 of 2015 ()

CRIME NO. 815/2015 OF KADIRUR POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED:

THAHIR, AGED 29 YEARS, S/O.HASHIM
NIYAS MANZIL, MANGATTIDAM AMSOM
AMBINADU DESOM, MANGATTIDAM P.O.
KANNUR DISTRICT.

BY ADVS.SRI.K.SIJU
SMT.S.SEETHA

RESPONDENTS/VICTIM & STATE:

1. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
KADIRUR POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

2. FAMIDA K.P., AGED 25 YEARS
D/O. FAISAL, FAMIDAS, CHETTAMKUNNU
NOW RESIDING AT PANAKKAL HOUSE, THIRUVANGAD AMSOM
KANNICHIRA, THIRUVANGAD P.O., THALASSERY TALUK
KANNUR DISTRICT-671101.

ADDL.R3. K. RABIYA, W.O. IBRAHIM, JASEEDA MANZIL
MUZHUPPILANGADU, THALASSERY
KANNUR DISTRICT -670101

ADDL.R3 IS IMPEADED AS PER ORDER DATED 08.10.2015 IN CrI.M.A. No.9745/2015 IN
CrI.M.C.No.6296/2015

R2 BY ADV. SRI.SHANAVAS NALAKATH RANDUPURAYIL
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE 1- TRUE COPY OF FIR IN CRIME NO.815/2015 OF KADIRUR POLICE STATION WITH THE COMPLAINT.

ANNEXURE 2- TRUE COPY OF TALAQ NAMA ISSUED BY THE HUSBAND OF THE 2ND RESPONDENT DATED 31-7-2015.

ANNEXURE 3- THE COPY OF RECEIPT ISSUED BY THE CIRCLE INSPECTOR OF POLICE, WOMEN CELL, KANNUR TO THE MOTHER OF THE 2ND RESPONDENT DATED 3-5-2015.

ANNEXURE 4- THE COPY OF COMPLAINT DATED 16-7-2015 SUBMITTED BEFORE THE DISTRICT POLICE CHIEF, KANNUR BY THE 2ND RESPONDENT.

ANNEXURE 5- THE COPY OF FIR IN CRIME NO.1246/2015 OF THALASSERY POLICE STATION.

ANNEXURE 6- THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT ON 19-9-2015.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No. 6296 of 2015

Dated this the 26th day of October, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.815/2015 of the Kadirur Police Station, registered under Sections 67 and 71 of the Information Technology Act, on the complaint of one Rabiya. 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 Rabiya is the additional 3rd 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 now.

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. Even otherwise, I find that the victim's case is really suspicious. Her grievance is that her mother-in-law made a false complaint for creating some evidence for her son to divorce her. Any way, the parties have now come to terms. The complainant's son has already divorced the victim, and thus the whole dispute stands resolved forever. There is something to suspect in between the victim and the petitioner herein. Any way, the issue now stands settled forever, and so, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.815/2015 of the Kadirur Police Station, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge