

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 5120 of 2014

CRIME NO. 1687/2014 OF KUNNAMKULAM POLICE STATION, TRISSUR

PETITIONERS/ACCUSED NOS 1 TO 4 :-

1. DHANESH P.N., AGED 28 YEARS,
S/O. NARAYANAN P.V., PALLIKARA HOUSE,
POST KANIPAYYOOR, THRISSUR DISTRICT-680517.
2. NARAYANAN P.V.,
PALLIKARA HOUSE, POST KANIPAYYOOR,
THRISSUR DISTRICT-680517.
3. SREEJA, AGED 41 YEARS,
W/O SADANANDAN, PALLIKARA HOUSE,
POST KANIPAYYOOR, THRISSUR DISTRICT-680517.
4. SUJA, W/O MURALI, CHOZHICKUNNATH HOUSE,
PORKULAM POST, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS/STATE OF KERALA AND THE COMPLAINANT :-

1. THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION,
THRISSUR THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. APARNA, AGED 21 YEARS,
D/O K.P.SHAJI, KULANGARA HOUSE,
BRAHMAKULAM PO., THAIKAD VILLAGE,
CHAVAKKAD TALUK, THRISSUR-680104.

R1 BY SMT.V.H.JASMINE,PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.ASHIS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Crl.MC.No. 5120 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : A TRUE COPY OF THE FIR IN CRIME NO.1687 OF 2014 OF THE
KUNNAMKULAM POLICE STATION DATED 14.7.2014.**

**ANNEXURE II : A TRUE COPY OF THE AFFIDAVIT OF THE SECOND RESPONDENT
DATED 10.8.2014.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No. 5120 of 2014

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Dated this the 29th day of July, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1687 of 2014 of Kunnamkulam Police Station, Thrissur registered under Sections 406, 498A, 323, 506(ii) and 34 of the Indian Penal Code on the complaint of one Aparna. 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 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 .

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 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 Crime No.1687 of 2014 of Kunnankulam Police Station, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE