

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Crl.MC.No. 6341 of 2015 ()

CRIME NO. 1018/2015 OF PEECHI POLICE STATION , TRISSUR DISTRICT

PETITIONER/ACCUSED:

**MANIKANDAN NAIR, S/O. ARAVINDAKSHAN NAIR
MANNATH HOUSE, PANANCHERRY VILLAGE
THRISSUR DISTRICT**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031**
- 2. SEEMA P., AGED 37 YEARS
D/O. BALASUBRAMANIAN, KANAKKASSERY HOUSE
VAKKADU P.O., KANNOOR DESOM
VETOM, THIROOR TALUK, MALAPPURAM DISTRICT - 676101**

**R2 BY ADV. SRI.M.REVIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT. LILLY LESLIE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.6341/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A COPY OF FIR IN CRIME NO.1018/2015 OF PEECHI POLICE STATION

ANNEXURE B AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

PA. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6341 of 2015

Dated this the 25th day of September, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1018/2015 of the Peechi Police Station, registered under Sections, 498A, 406, 323 and 506(ii) read with 34 IPC, on the complaint of one Seema. 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, Seema 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. The affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the parties have decided to part ways in terms of the settlement, and they have filed a joint application for divorce. In such a situation it is appropriate that the prosecution be quashed.

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.1018/2015 of the Peechi Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd