

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6410 of 2015 ()

CRIME NO. 641/2015 OF PAYYOLI POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**ABDUL KAREEM, AGED 37 YEARS,
S/O.MOOSA, THAZHE NADAVATH HOUSE,
NEAR PAYYOLI GOVT. HOSPITAL,
NOW RESIDING AT PONNARIPPALAM QUARTERS,
NEAR PAYYOLI HIGH SCHOOL, PAYYOLI, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.C.KHALID
SMT.K.REEHA KHADER**

RESPONDENTS/COMPLAINANT/STATE:

- 1. HAIRUNNISA, AGED 32 YEARS,
MEETHALE, THAYIL HOUSE, VAIKALASSERY,
VADAKARA, KOZHIKODE DISTRICT-673 101.**
- 2. SUB INSPECTOR OF POLICE,
PAYYOLI POLICE STATION, THROUGH STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-682 031.**

**R1 BY ADV. SRI.P.K.SUBHASH
R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P.UBAID, J.

Crl.M.C.No. 6410 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No. 641/2015 of Payyoli Police Station, Kozhikode, registered under Sections 498 A and 406 of Indian Penal Code on the complaint of one Hairunnisa. 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 1st 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 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.

3. The victim's affidavit shows that the whole dispute stand resolved forever and that the parties have parted ways in terms of amicable settlement. In such a situation, it is appropriate that the pending proceeding be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No. 641/2015 of Payyoli Police Station, Kozhikode will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

/True copy/

P.A. To Judge

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