

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

CrI.MC.No. 6428 of 2015 ()

CRIME NO. 832/2015 OF PUDUNAGARAM POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**MOHANAN, AGED 39 YEARS
S/O.KITTU, KAIKKOTTUKULAM, PERUVEMBU
PUDUNAGARAM, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

**1. SUPRIYA, AGED 37 YEARS
W/O.RANGANATHAN, KAIKKOTTUKULAM, PERUVEMBU
PUDUNAGARAM, PALAKKAD-678503.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, 682031.**

**ADDL.R3. RANGANATHAN, S/O. LATE APPU
KAIKKOTTUKULAM, PERUVEMBU
PUDUNAGARAM, PALAKKAD.**

**ADDL.R3 IS IMPEADED AS PER ORDER DATED 12.10.2015 IN CrI.M.A.No.9829/2015 IN
CrI.M.C.No.6428/2015.**

**R1 & ADDL R3 BY ADV. SRI.K.ANAND
R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-10-2015,
ALONG WITH CRMC. 6429/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A: TRUE COPY OF THE F.I.R. IN CRIME N.832/2015 OF PUDUNAGARAM
POLICE STATION, PALAKKAD ALONG WITH THE F.I. STATEMENT GIVEN
BY THE 1ST RESPONDENT.**

**ANNEXURE-B: AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING
THE AFORESAID SETTLEMENT.**

**ANNEXURE-C: TRUE COPY OF THE AGREEMENT DATED 25.09.2015 EXECUTED
BETWEEN THE PETITIONER AND THE HUSBAND OF THE 1ST
RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

P. UBAID, J.

Crl.M.C.No.6428 of 2015

Dated this the 13th day of October, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.832/2015 of the Pudunagaram Police Station, registered under Sections 341, 323, 354 and 294(b) IPC on the complaint of one Supriya. 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 Supriya 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. The person who sustained injuries in the alleged incident is the additional 3rd respondent. He has also filed affidavit to the effect that he has settled the dispute with the accused, and he 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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.832/2015 of the Pudunagaram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure. The counter case also stands settled and quashed.

Sd/-

P. UBAID, JUDGE

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