

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 6553 of 2015

CRIME NO. 616/2015 OF THUMBA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :-

**SUNI, S/O.THAMBI, AGED 43 YEARS,
THOPPUMMOOLAYIL VEEDU, KUZHIVILA,
CHERIYAMUTTAM, THUMBA,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA**

RESPONDENT(S)/STATE, DEFACTO COMPLAINANT :-

- 1. THE STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. RAMANI, D/O.SARASSAMMA, AGED 40 YEARS,
THOPPUMMOOLAYIL VEEDU, KUZHIVILA,
CHERIYAMUTTAM, THUMBA,
THIRUVANANTHAPURAM - 695 001.**

**R1 BY SMT. SHEEBA M.T., PUBLIC PROSECUTOR
R2 BY ADV. SMT.BREJITHA UNNIKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 6553 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : CERTIFIED COPY OF THE FIR IN CRIME NO.616/15 OF THUMBA
POLICE STATION.**

**ANNEXURE B : ORIGINAL NOTORIZED AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT DTD 26.09.15.**

ANNEXURE C : TRUE COPY OF THE VOTER ID CARD OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- **NIL**

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6553 of 2015
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Dated this the 7th day of October, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.616 of 2015 of Thumba Police Station, Thiruvananthapuram, registered under Sections 324, 323, 506(ii) and 308 of the Indian Penal Code on the complaint of one Ramani. 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 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 the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the 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 of offence is none other than the petitioner's wife. Her affidavit shows that she happened to make a complaint against her husband on some misapprehension. The affidavit also shows that she is now very happy with her husband in matrimony. On a perusal of the materials including the First Information Statement, I find that this is only a case of simple assault, and that Section 308 IPC was in fact incorporated by the police on the basis of a purely hypothetical statement. Anyway, the whole dispute now stands settled, and the parties have now leading a very happy married life. In such a situation, it is

appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.616 of 2015 of Thumba Police Station, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE