

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.MC.No. 6607 of 2015 (C)

CRIME NO.332/2015 OF KUMBLA POLICE STATION, KASARAGOD

PETITIONER(S)/ACCUSED NO.1 AND 2 :-

- 1. MUHAMMED NISSAR, AGED 30 YEARS,
S/O.ABDULLA, HAJI HOUSE, MOPRAL,
KOIPPADY, KASARAGOD.**
- 2. MUHAMMED JAFFAR, AGED 23 YEARS,
S/O.KHALID, HAJI HOUSE, MOPRAL
KOIPPADY, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT/COMPLAINANT/STATE :-

- 1. BABY SILPA, AGED 32 YEARS,
W/O.UMESH, GOURI NILAYA, KUNDARADKA,
NAR G.W.L.P SCHOOL, KOIPPADY,
KASARAGOD - 671 121.**
- 2. UMESH,
RESIDING DO**
- 3. THE SUB INSPECTOR OF POLICE,
KUMBLA POLICE STATION, KASARAGOD - 671123.**
- 4. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

**R1 & R2 BY ADV. SRI.CIBI THOMAS
R BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 6607 of 2015 (C)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I :- TRUE COPY OF THE FIRST INFORMATION REPORT IN
CR.NO.332/2015.**

ANNEXURE II :- TRUE COPY OF THE REPORT DATED 18.06.2015.

**ANNEXURE III :- TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT DATED
28.7.15.**

**ANNEXURE IV :- TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED
28.7.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.6607 of 2015
=====

Dated this the 17th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.332 of 2015 of Kumbbla Police Station, Kasaragod registered under Sections 341, 354, 354 (A)(i)(ii) and 354(D) read with Section 34 of the Indian Penal Code on the complaint of one Baby Silpa. 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. Her husband is the 2nd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the

accused, and he has no grievance or complaint now.

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 petitioners and the victim of offence appeared in Court as directed from the Court. On interacting with them, I find that the dispute stands amicably settled in the best interest of the victim. I am satisfied that exposure of the victim to a trial process will cause embarrassment to her. The petitioners now repent for what they did, and they affirmed before this Court that they will not repeat such acts. The victim accompanied by her husband tells the Court that she has no grievance or complaint now, and she would not like to prosecute

the matter further. I am well satisfied that there is a real and genuine settlement between the parties.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.332 of 2015 of Kumbbla Police Station, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE