

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

Crl.MC.No. 6636 of 2015 ()

**CRIME NO. 896/2015 OF PALLICKAL POLICE STATION , THIRUVANANTHAPURAM
DISTRICT**

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PETITIONERS/ACCUSED NOS 1 TO 5:

1. **RAJESH, AGED 32 YEARS**
S/O. MURALEEDHARAN ASARI, RAJESH MANDIRAM
KALLARAKONAM, PAKALKURI DESOM, PALLICKAL VILLAGE
THIRUVANANTHAPURAM DISTRICT.
2. **DINESH, AGED 29 YEARS**
S/O. MURALEEDHARAN ASARI, RAJESH MANDIRAM
KALLARAKONAM, PAKALKURI DESOM, PALLICKAL VILLAGE
THIRUVANANTHAPURAM DISTRICT.
3. **MURALEEDHARAN ASARI, AGED 64 YEARS**
S/O. GANGADHARAN ASARI, RAJESH MANDIRAM, KALLARAKONAM
PAKALKURI DESOM, PALLICKAL VILLAGE
THIRUVANANTHAPURAM DISTRICT.
4. **HARI, AGED 22 YEARS**
S/O. SURENDRAN, KALITHATTUMUKALIL, KALLARAKONAM
PAKALKURI DESOM, PALLICKAL VILLAGE
THIRUVANANTHAPURAM DISTRICT.
5. **SUDHAMANI, AGED 64 YEARS, W/O. MURALEEDHARAN ASARI**
RAHESH MANDIRAM, KALLARAKONAM, PAKALKURI DESOM
PALLICKAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENTS/DE-FACTO COMPLAINANT & STATE:

1. **STATE OF KERALA**
REPRESENTED BY SUB INSEPCTOR OF POLICE
PALLICKAL POLICE STATION THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031.
2. **SYAMALA, AGED 47 YEARS, D/O. SARASAMMA**
KILITHATTUMUKALIL VEEDU, KALLARAKONAM
PAKALKURI DESOM, PALLIKKAL VILLAGE, VARKALA TALUK
THIRUVANANTHAPURAM DISTRICT-695661.

3. RAVEENDRAN ASARI, AGED 55 YEARS
S/O. SUKUMARAN ASARI, KILITHATTUMUKALIL VEEDU
KALLARAKONAM, PAKALKURI DESOM, PALLIKKAL VILLAGE
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT.

4. RATHEESH, AGED 32 YEARS
S/O. RAVEENDRAN ASARI, KILITHATTUMUKALIL VEEDU
KALLARAKONAM, PAKALKURI DESOM, PALLIKKAL VILLAGE
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT.

ADDL. R5. RAJANI, D/O. SYAMALA, AGED 26 YEARS, RESIDING AT
KILITHATTUMUKALIL VEEDU
KALLARAKONAM, PAKALKURI DESOM, PALLIKKAL VILLAGE
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT.

ADDL.R5 IS IMPEADED AS PER ORDER IN CrI.M.A.No.9888/2015 DATED 13.10.2015.

R2 -R5 BY ADV. SRI.A.MUHAMMED RAFFI
R1 BY PUBLIC PROSECUTOR JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

- A1 - THE COPY OF FIR WITH FIS IN CRIME NO. 896/2015 OF PALLICKAL POLICE STATION.**
- A2 - THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING COMPROMISE DT. 05.10.2015.**
- A3 - THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT REGARDING COMPROMISE DT. 05.10.2015.**
- A4 - THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT REGARDING COMPROMISE DT. 05.10.2015.**
- A5 - THE MARRIAGE INVITATION LETTER OF THE 1ST PETITIONER.**
- A6 - THE AFFIDAVIT SWORN BY THE ADDL. 5TH RESPONDENT REGARDING COMPROMISE DT. 12.10.2015.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6636 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.896/2015 of the Pallickal Police Station, registered under Sections 143, 147, 148, 149, 294(b),452, 324, 326 and 308 IPC on the complaint of one Syamala. 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 Mohanan 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 other persons who sustained injuries in the alleged incident are the respondents 3 and 4. They have also filed affidavit to the effect that they have settled the dispute with the accused, and they have no grievance or complaint now.

2. On a perusal of the materials, I find that Section 308 IPC was incorporated by the police in the proceeding, on the basis of some hypothetical statements. This is only a case of assault involving infliction of grievous hurt. But the parties have come to

terms amicably, and I am well satisfied that the relation between them is quite cordial.

3. 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.896/2015 of the Pallickal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge