

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.MC.No. 6869 of 2015 ()

CRIME NO. 339/2015 OF KOODAL POLICE STATION , PATHANAMTITTA DISTRICT

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PETITIONER/DEFACTO COMPLAINANT:

**TIGI SARA THOMAS, D/O. T.J. THOMAS
AGED 26 YEARS, RESIDING AT #TC-II/339(1)
CRRAE-35A, CHALAKUZH-Y-E LANE
PATTAM, THIRUVANANTHAPURAM DISTRICT**

**BY ADVS.SRI.JOHN MATHEW (THEREZHATH)
SRI.JOBIN JOHN**

RESPONDENTS/STATE AND ACCUSED:

- 1. STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM – 682031**
- 2. BINU M. JOHN, S/O. M.I. JOHN, AGED 32 YEARS
RESIDING AT MULAMOOTTIL HOUSE, INCHAPPARA
KODAL VILLAGE, PATHANAMTITTA DISTRICT – 689693**
- 3. ANNAMMA JOHN, W/O. M.I. JOHN, AGED 60 YEARS
RESIDING AT MULAMOOTTIL HOUSE, INCHAPPARA
KODAL VILLAGE, PATHANAMTITTA DISTRICT – 689693**
- 4. M.I. JOHN, AGED 62 YEARS, RESIDING AT
MULAMOOTTIL HOUSE, INCHAPPARA, KODAL VILLAGE
PATHANAMTITTA DISTRICT - 689693**

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**APPENDIX I COPY OF FIR IN CRIME NO. 339/2015 DATED 11.05.2015 REGISTERED
AT KOODAL POLICE STATION IN PATHANAMTITTA DISTRICT**

**APPENDIX II COPY OF THE MEMO DATED 21.07.2015 FILED BEFORE THE
HONOURABLE FAMILY COURT, PATHANAMTITTA TO WITHDRAW THE
APPLICATION FILED UNDER SECTION 125 CR.P.C. AS M.C.NO.104/2015**

**APPENDIX III COPY OF ORDER DATED 01.08.2015 PASSED BY THE HONOURABLE
FAMILY COURT, PATHANAMTITTA IN M.C. NO.104/2015**

APPENDIX IV AFFIDAVIT OF THE PETITIONER DATED 24.07.2015

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.6869 of 2015

Dated this the 26th day of October, 2015

O R D E R

The petitioner herein is the defacto complainant in Crime No.339/2015 of the Koodal Police Station registered under Section 498-A IPC. The accused in the crime are her husband and her in-laws. Her prayer herein is to quash the FIR and further proceedings against the accused under Section 482 Cr.P.C., on the ground of amicable settlement out of court. She has filed affidavit to the effect that the whole dispute stands settled now, and that she wants to join her husband in matrimony. The affidavit filed by the complainant shows that the complaint in fact happened to be made by her on some misapprehension. Now, the whole dispute stands resolved forever, and the parties have decided to continue their happy matrimony.

2. In so many decisions, the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have come to terms amicably out of court, and if continuance of prosecution will

not serve any purpose. Here, the complainant herself is the petitioner, and she does not want to prosecute the matter further. I am well satisfied that the parties have come to terms amicably, and the victim has already joined her husband in matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, the FIR and further proceedings Crime No.339/2015 of the Koodal Police Station will stand quashed under Section 482 Cr.P.C.

Sd/-
P. UBAID, JUDGE

sd

// True Copy // P.A. to Judge