

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

CrI.MC.No. 6892 of 2015 ()

**CRIME NO. 546/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION , ERNAKULAM
DISTRICT**

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PETITIONERS/A1 TO A3:

1. SHANLAL KASIM, AGED 30 YEARS
S/O. KASIM RAWTHER, ALANKAR
KANALLOOR P.O., CHUNNAKKARA
CHARUMOOD, ALAPPUZHA DISTRICT
PRESENTLY RESIDING AT FLAT NO.123
ATHAM FLAT, AMALA BHAVAN ROAD
KADAVANTHRA, KOCHI – 682020
2. SALEEM KASIM, AGED 28 YEARS
W/O. KASIM RAWTHER, ALANKAR
KANALLOOR P.O., CHUNNAKKARA
CHARUMOOD, ALAPPUZHA DISTRICT
3. SAFLA, ZHILL, PLOT NO.7B
HINDU COLONY EXT, 2ND MAIN ROAD
2ND MAIN ROAD, THIRUVALLUVAR STREET
PUZHUTHIVAKKAM, CHENNAI - 600091

BY ADV. SRI.BASANT BALAJI

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN SOUTH POLICE STATION
REPRESENTD THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682031
2. THASNI NAZEER, W/O. SHANLAL KASIM
PAINUM MOOTILL THEKKETHIL
AADIKATTUKULANAGRA, ALAPPUZHA
NOW RESIDING AT FLAT NO.123, ATHAM FLAT
AMALA BHAVAN ROAD, KADAVANTHRA
KOCHI - 682020

R2 BY ADV. SRI.R.GOPAN

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

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

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.546/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION**

ANNEXURE B AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No. 6892 of 2015

Dated this the 26th day of October, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No. 546/2015 of the Ernakulam Town South Police Station, registered under Section 498-A IPC and Section 4 of Dowry Prohibition Act, on the complaint of one Thasni Nazeer. 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 Thasni Nazeer 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 now. Her affidavit shows that the whole matrimonial disputes stand resolved forever. She has joined her husband in matrimony in terms of the settlement arrived at out of court, and she is very happy with her husband and the small child born in their wedlock. In such a situation, it is appropriate that the prosecution be quashed.

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. 546/2015 of the Ernakulam Town South 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