IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Crl.MC.No. 6963 of 2015 ()

CRIME NO. 87/2013 OF MECICAL COLLEGE POLICE STATION , THIRUVANANDAPURAM DISTRICT

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PETITIONER/ACCUSED:

MAHESH S., AGED 40 YEARS, S/O. SIVANANDAN
HAVING PERMANENT RESIDENCE AT POOJA, MRA-17
PONGUMOODU, MEDICAL COLLEGE P.O.
THIRUVANANTHAPURAM, PIN-695011

BY ADV. SRI.THOMAS M.JACOB

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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1. **STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM**

2. **THE SUB INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION, THIRUVANANTHAPURAM**

3. **SANDHYA LEKSHMI B.K. @ B. SANDHYA AGED 29 YEARS, D/O. KAMALASANAN, HAVING PERMANENT ADDRESS AT PIRAMBINCODE MELEPUTHENVEEDU, OLIPPUNDADA NARUVAMOODU P.O., THIRUVANANTHAPURAM NOW RESIDING AT CAPERNAUM CHARITABLE TRUST, PACHALAM, ERNAKULAM, PIN-682012**

R3 BY ADV. SRI.P.M.MOHAMMED SHIRAZ
R1 & R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.
BY SRI.P.M.MOHAMMED SHIRAZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C.NO.6963/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A-1	**CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.87/2013 OF MEDICAL COLLEGE POLICESTATION, THIRUVANANTHAPURAM**
ANNEXURE A-2	**CERTIFIED COPY OF THE JUDGMENT DATED 31.07.2014 IN OP (HMA) No.2036/2013 OF FAMILY COURT, THIRUVANANTHAPURAM**
ANNEXURE A-3	**AFFIDAVIT OF THE 3RD RESPONDENT DEFACTO COMPLAINANT**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.6963 of 2015

Dated this the 29th day of October, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.87/2013 of the Medical College Police Station, Trivandrum, registered under Section 498-A IPC, on the complaint of one Sandhya Lekshmi. 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 Sandhya Lekshmi is the 3rd 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 affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by decree on mutual consent. Her claims also stand settled. In such a situation, it is appropriate that the pending 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 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.87/2013 of the Medical College Police Station, Trivandrum will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

sd

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