

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. 6964 of 2015 ()

**CRIME NO. 1191/2015 OF ERNAKULAM SOUTH POLICE STATION, ERNAKULAM
DISTRICT**

=====

PETITIONER:

**KISHORE S. MENON, POLICE QUARTERS NO.1B 4
THEVARA, ERNAKULAM, ERNAKULAM VILLAGE
ERNAKULAM TOWN NORTH, ERNAKULAM CITY
KERALA, INDIA**

BY ADV. SRI.MATHAI VARKEY MUTHIRENTHY

RESPONDENTS:

- 1. SHARI V. NAIR, SHABARI SADANAM, PALACHUVADU
PATHANAMTHITTA, ELANTHOOR VILLAGE
PATHANAMTHITTA, KEALA, INDIA, 689645**
- 2. KERALA STATE, REPRESENTED BY THE
STATION HOUSE OFFICER, ERNAKULAM TOWN SOUTH
POLICE STATION, THROUGH THE PUBIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031**

**R1 BY ADV. SMT.N.L.SUNANDAKUMARI (VALLARPADOM)
R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

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

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 CERTIFIED TRUE COPY OF FIR & FIS N THE CRIME
NO.1191/2015 DATED 04.10.2015 IN THE COURT OF THE
ADDITIONAL CHIEF JUDICIAL MAGISTRATE (E.O.) COURT,
ERNAKULAM**

ANNEXURE A2 COPY OF THE AFFIDAVIT OF THE FIRST RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6964 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.1191/2015 of the Additional Chief Judicial Magistrate (Economic Offence) Court, Ernakulam, registered under Section 498-A IPC, on the complaint of one Shari V. Nair. 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 Shari V. Nair 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. It is submitted that the whole matrimonial dispute stands resolved forever, and that she has joined her husband in matrimony. It is submitted that the parties are now leading a very happy married life. 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.1191/2015 of the Additional Chief Judicial Magistrate (Economic Offence) Court, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge