

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 7027 of 2015 ()

CRIME NO. 929/2014 OF RAMANKARY POLICE STATION , ALAPPUZHA DISTRICT
=====

PETITIONERS/ACCUSED NO.1 TO 3:

1. HARGIN DAS, AGED 29 YEARS
S/O. HARIDASAN PILLAI, VANNELIL
HARIGGETHAM, MITHRKARY P.O.
ALAPPUZHA – 689595
2. GEETHA HARIDAS, AGED 52 YEARS
W/O. HARIDASAN PILLAI
VANNELIL, HARIGGETHAM, MITHRKARY P.O.
ALAPPUZHA -689595
3. HANILA, AGED 25 YEARS, D/O. HARIDASAN PILLAI
VANNELIL, HARIGGETHAM, MITHRKARY P.O.
ALAPPUZHA – 689595

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENTS/STATE & CHARGE WITNESSES:

1. STATE OF KERALA REPRESENTED BY
SUB INSPECTOR OF POLICE, IRITTY POLICE STATION
THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
 2. VAISAKA RAMACHANDRAN, AGED 26 YEARS
D/O. RAMACHANDRAN, RAVIPRABHA HOUSE
RAMANDARY P.O., ALAPPUZHA DISTRICT - 689595
- R2 BY ADV. SRI.SIBY CHENAPPADY
R2 BY ADV. SRI.P.T.JINS
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C.NO. 7027/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I CERTIFIED COPY OF FIR IN CRIME NO.929/2014 OF RAMANKARY
POLICE STATION, ALAPPUZHA DISTRICT ALONG WITH THE FIRST
INFORMATION STATEMENT OF THE 2ND RESPONDENT**

ANNEXURE II AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 14.05.2015

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7027 of 2015

Dated this the 2nd day of November, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No. 929/2014 of the Ramankary Police Station, registered under Section 498-A read with Section 34 IPC, on the complaint of one Vaisaka Ramachandran. 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 Vaisaka Ramachandran 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the claims also stand settled. It is submitted from both sides that the parties have already filed joint application for divorce under Section 13B of the Hindu Marriage Act in terms of the settlement arrived at. 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. 929/2014 of the Ramankary 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