

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Crl.MC.No. 7061 of 2015

AGAINST THE ORDER IN MC 68/2014 of J.M.F.C., PATTAMBI DATED 18.07.2014

CRIME NO. 353/2014 OF PATTAMBI POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED:

**SUDHISH K.P AGED 37 YEARS,
S/O.LATE MADHAVAN NAIR, THEKKEPATT HOUSE,
KIZHAYOOR POST, PATTAMBI TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.R.SREEHARI

RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM THROUGH THE STATION HOUSE OFFICER,
PATTAMBI POLICE STATION, PATTAMBI POST,
PALAKKAD DISTRICT, PIN - 679 303.**
- 2. RESHMI C, AGED 26 YEARS,
D/O. ASOK KUMAR, CHUNDANGATTIL HOUSE, MELMURI,
PULASSERI, KOPPAM POST, PATTAMBI TALUK,
PALAKKAD DISTRICT, PIN - 679 303**

**R2 BY ADV. SRI.K.RAJESH SUKUMARAN
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7061 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF FIR AND FIS IN CRIME NO 353/2014 OF
PATTAMBI POLICE STATION.**

**ANNEXURE A2 : PHOTO COPY OF THE ORDER PASSED IN BAIL APPLN. NO 2901/2014
DATED 29-05-2014 OF THIS HONOURABLE COURT.**

**ANNEXURE A3 : CERTIFIED COPY OF COMPROMISE PETITION FILED IN MC 68/2014
OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PATTAMBI.**

**ANNEXURE A4 : CERTIFIED COPY OF THE ORDER PASSED IN MC 68/2014 OF JFCM
COURT,, PATTAMBI DATED 18-07-2014.**

ANNEXURE A5 : AFFIDAVIT OF THE SECOND RESPONDENT DATED 30-10-2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.7061 of 2015
=====

Dated this the 18th day of November, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.353 of 2014 of Pattambi Police Station, Palakkad, registered under Section 498A IPC on the complaint of one Reshmi. 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 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.

2. 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 the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the victim has joined the petitioner in matrimony, and that they are now leading a very happy matrimony. Continuance of the prosecution may defile the said happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.353 of 2014 of Pattambi Police Station, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE