

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937**

**Crl.MC.No. 7089 of 2015 (B)**  
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**CRIME NO. 1085/2015 OF SULTHAN BATHERY POLICE STATION, WAYANAD**

**PETITIONER(S)/DEFACTO COMPLAINANT :-**  
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**MYMOONA, AGED 40 YEARS,  
D/O. ABU, VADAKKETHIL HOUSE,  
MOOLANKARA P.O., SULTHAN BATHERY,  
WAYANAD, KERALA.**

**BY ADV. SRI.M.R.SASITH PANICKER**

**RESPONDENTS/ 1 TO 3 ACCUSED :-**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 628 231.**
- 2. SUB INSPECTOR OF POLICE,  
SULTHAN BATHERY POLICE STATION,  
SULTHAN BATHERY,  
WAYYAND, PINCODE - 673 121.**
- 3. ASWIN @ ASWIN HARI PRASAD,  
AGED 22 YEARS, ASWANI HOUSE,  
MOOLANKAVU P.O, SULTHAN BATHERY,  
WAYYAND, PIN - 673 121.**

**R3 BY ADV. SRI.V.VINAR  
R BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**rkj**

**Crl.MC.No. 7089 of 2015 (B)**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A1 : TRUE COPY OF THE FIR NO. 1085/15 SULTHAN BATHERY POLICE  
STATION, WAYAND.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.No.7089 of 2015**

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Dated this the 22<sup>nd</sup> day of December, 2015

**ORDER**

The petitioner herein is the defacto complainant in Crime No.1085 of 2015 of the Sulthan Batheri Police Station registered under Sections 341, 323 and 354 read with Section 34 of the Indian Penal Code. She seeks orders quashing the FIR and the further proceedings on the ground of amicable settlement made by the parties out of court. The third respondent herein is the accused. There is also a counter case registered by the police against the relatives of the petitioner herein. The said case stands settled amicably out of Court, and the FIR in the said case stands quashed. The victims in the said case have filed affidavit to the effect that the whole dispute now stands settled and resolved forever. On a perusal of the complaint, I find that this is only a case of simple assault. A mere assault on a woman will not

by itself attract Section 354 IPC. Anyway, the parties have come to terms, and the whole dispute now stands resolved forever.

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 proceedings, whatever be the stage of the proceedings, if the parties have come to terms, and continuance of the prosecution will not serve any purpose. Here, it is definite that no purpose will be served, and nobody will support the prosecution, if the case ultimately comes before the Court after investigation.

In the result, this petition is allowed. The FIR and further proceedings in Crime No.1085 of 2015 of the Sulthan Batheri Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-  
**P.UBAID**  
**JUDGE**