

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 7180 of 2015

CRIME NO. 288/2015 OF MALOOR POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED 1 & 2 :-

- 1. K.SURESH, S/O.DAMODHARAN NAMBIAR,
PUTHANPARAMBATHU HOUSE,
MALUR DESOM, SIVAPURAM AMSOM,
THALASSERY TALUK, KANNUR.**
- 2. DAMODHARAN NAMBIAR,
PUTHANPARAMBATHU HOUSE,
MALUR DESOM, SIVAPURAM AMSOM,
THALASSERY TALUK, KANNUR.**

BY ADV. SRI.P.J.JUSTINE

RESPONDENT(S)/COMPLAINANTS :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. M.NISHA, W/O.SURESH, ANATHOTHU HOUSE,
THILLANKARY AMSOM,
IRITTY, KANNUR - 670 703.**

**R2 BY SMT.A.A.GEETHA
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 : CERTIFIED COPY OF THE FIR NO.288/2015 OF THE MALUR
POLICE STATION DATED 15.09.2015.**

**ANNEXURE 2 : TRUE COPY OF AGREEMENT EXECUTED BETWEEN THE
1ST PETITIONER AND 2ND RESPONDENT DATED 19.09.2015.**

**ANNEXURE 3 : ORIGINAL OF THE AFFIDAVIT OF THE 2ND RESPONDENT
EXECUTED BEFORE A NOTARY.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7180 of 2015

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Dated this the 12th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.288 of 2015 of Malur Police Station, Kannur, registered under Sections 341, 323, 403, 406, 420 and 498A read with Section 34 of the Indian Penal Code on the complaint of one M.Nisha. 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 parties have parted ways in terms of the settlement arrived at, and that the victim's claim also stands settled. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.288 of 2015 of Malur Police Station, Kannur will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE