

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cr1.MC.No. 7209 of 2015

CRIME NO. 1278/2015 OF KADUTHURUTHI POLICE STATION,
KOTTAYAM

PETITIONER/ACCUSED:

DANIEL @ MONU, AGED 23 YEARS,
KAKKASSERIL HOUSE, MANJOOR SOUTH POST,
KADUTHURUTHI,
KOTTAYAM - 686 603.

BY ADV. SMT.T.MANASY

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MINI VIJAYAN, AGED 45 YEARS,
W/O. VIJAYAN, CHIRAYIL HOUSE,
ERAVIMANGALAM KARA,
MANJOOR VILLAGE, KOTTAYAM DISTRICT.

R2 BY ADV. SRI.ALEX.M.SCARIA

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 13-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7209 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.1278/2015 OF KADUTHURUTHI POLICE STATION, KOTTAYAM

ANNEXURE A2: AFFIDAVIT DATED 30.10.2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7209 of 2015

Dated this the 13th day of November, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1278/2015 of the Kaduthuruthi Police Station, Kottayam, registered under Sections 451, 354, 323 and 294(b) of the Indian Penal Code on the complaint of one Mini Vijayan. 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 Mini Vijayan is the second 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 revisional 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 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. On a perusal of the complaint, I find that this is in fact not a case of outrage of modesty, but only a case of simple assault. A mere assault on a woman will not come under Section 354 of the Indian Penal Code. The victim's affidavit shows that she happened to make a complaint on some misapprehension. Anyway, the whole issues now stands resolved.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.1278/2015 of the Kaduthuruthi Police Station, Kottayam will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

//True Copy//

ab

P.A to Judge