

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.M.C.No. 7268 of 2015

CRIME No.702/2015 OF AYIROOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED:

**SHAIJU, AGED 30 YEARS,
S/O. RAJU, BAIJU BHAVAN, NADUTHALA,
MUTTAPALAM, CHAMMARUTHY VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS. SRI. P.N.SUKUMARAN
SRI. K.A. ANAS
SRI. AKHIL. S.VISHNU**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUDHARMA @ SUDHA, AGED 54 YEARS,
D/O. SEEMANTHINI, CHAVADIMUKKU,
THEKKETHIL PUTHENVEETIL, MUTTAPPALAM,
CHEMMARUTHY, THIRUVANANTHAPURAM - 695 145.**

**R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB
R2 BY ADV. SRI.D.CHANDRASENAN**

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

Crl.M.C.No. 7268 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE.1: COPY OF THE FIR IN CRIME No.702/2015 OF AYIROOR POLICE STATION.

ANNEXURE 2: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

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P. UBAID, J.

Crl.M.C. No.7268 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.702/2015 of Ayiroor Police Station, registered under Sections 506(ii), 354 and 323 of IPC on the complaint of one Sudharma. 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 he has settled the whole dispute with the accused and he has no grievance or complaint.

2. On a perusal of the materials including the complaint I find that this is in fact only a case of simple assault. A simple assault on a lady will not come under Section 354 IPC. Anyway, the dispute now stands

amicably settled.

3. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash 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.702/2015 of Ayiroor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID
JUDGE