

**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. 7285 of 2015**  
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**CRIME No.1291/2015 OF KALLAMBALAM POLICE STATION , THIRUVANANTHAPURAM  
ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III(TEMPORARY),  
ATTINGAL**

**PETITIONER(S)/ACCUSED NO.1&2:**  
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- 1. BAIJU .A, AGED 33 YEARS,  
S/O. ABDUL VAHID, KALLUVILA VEEDU, MARKET ROAD,  
KALLAMBALAM, THIRUVANANTHAPURAM DISTRICT.**
- 2. SHAIJU .A, AGED 32 YEARS,  
S/O.ABDUL VAHID, KALLUVILA VEEDU, MARKET ROAD,  
KALLAMBALAM, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS. SRI. K.SHAJ  
SRI. SAJJU.S  
SRI. RENJIT GEORGE  
SMT. ANJU MOHAN  
SRI. S.VISHNU (ARIKKATTIL)  
SRI. C.IJILAL**

**RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 31.**
- 2. BISMI, AGED 21 YEARS, D/O.MANZILA,  
AMALSHA MANZIL, VADAKKUMKARA WEST,  
PADANILAM, UMayANALLOOR P.O.,  
MAYYANAD VILLAGE, KOLLAM - 691 589.**
- 3. FIDA FATHIMA, AGED 1½ YEARS, D/O. BISMI,  
AMALSHA MANZIL, VADAKKUMKARA WEST,  
PADANILAM, UMayANALLOOR P.O.,  
MAYYANAD VILLAGE, KOLLAM - 691 589.  
REPRESENTED BY THE SECOND RESPONDENT HER MOTHER.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA.M.T  
R2 BY ADV. SRI.SERGI JOSEPH THOMAS**

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

## APPENDIX

**PETITIONER(S)' EXHIBITS**

**ANNEXURE A1: THE TRUE COPY OF THE FIR IN CRIME No.1291/2015 OF KALLAMBALAM POLICE STATION ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE-III (TEMPORARY), ATTINGAL.**

**ANNEXURE A2: AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE SETTLEMENT OF ALL THE DISPUTES.**

**RESPONDENT(S)' EXHIBITS** - **NIL**

**//TRUE COPY//**

**PA TO JUDGE**

**P. UBAID, J.**

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**Crl.M.C. No.7285 OF 2015**  
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Dated this the 18<sup>th</sup> day of November, 2015

**ORDER**

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1291/2015 of Kallambalam Police Station, registered under Sections 498A, 294(b), 324 r/w Section 34 of IPC on the complaint of one Bismi. 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 2<sup>nd</sup> 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. 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.

3. The victim's affidavit shows that the whole matrimonial disputes including the assault made by the 2<sup>nd</sup> petitioner herein on the child stands resolved for ever, and the victim has joined her husband in matrimony in terms of the settlement arrived at. 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.1291/2015 of Kallambalam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

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

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