

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Crl.MC.No. 7383 of 2015

CRIME NO. 429/2015 OF THALIPARAMBA POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED NOS. 1 & 2 :-

- 1. VIMAL M., S/O.DAMODARAN, AGED 34 YEARS,
'CHAITHANYA', PULIMPARAMBA, TALIPARAMBA P.O.,
TALIPARAMBA AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT - 670 141.**
- 2. LEELA, W/O.DAMODARAN, AGED 55 YEARS,
'CHAITHANYA', PULIMPARAMBA, TALIPARAMBA P.O.,
TALIPARAMBA AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT - 670 141.**

BY ADV. SRI.V.T.MADHAVANUNNI

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM THROUGH
S.H.O., TALIPARAMBA POLICE STATION, KANNUR DISTRICT.**
- 2. REMYA P.K., D/O.K.RAJAN, AGED 24 YEARS,
POOVATHINKEEZHIL HOUSE, PALLIVAYAL P.O.,
PANNIYOOR AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT - 670 142.**

**R2 BY ADV. SRI.V.A.SATHEESH
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7383 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- TRUE COPY OF THE FIR IN CRIME NO.429/2015 OF TALIPARAMBA
POLICE STATION.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7383 of 2015
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Dated this the 24th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.429 of 2015 of Taliparamba Police Station, Kannur registered under Sections 403 and 498(A) of the Indian Penal Code on the complaint of one Remya P.K. 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, and that she has joined her husband in matrimony in terms of the settlement. 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.429 of 2015 of Taliparamba 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 JDUGE