

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Cr1.MC.No. 7554 of 2015

CRIME NO. 668/2015 OF KADIRUR POLICE STATION, KANNUR

PETITIONERS/ACCUSED:

1. ABDUL SALAM, AGED 59 YEARS,
S/O.KOCHUKUNJU, KATTUVILA VEEDU, CHEMMANAM,
MUTHALA, THIRUVANANTHAPURAM.
2. KHURESHIYA, AGED 61 YEARS,
D/O.KOCHUKUNJU, KATTUVILA VEEDU, CHEMMANAM,
MUTHALA, THIRUVANANTHAPURAM.
3. MANAB, AGED 60 YEARS,
S/O.KOCHUKUNJU, KATTUVILA VEEDU, CHEMMANAM,
MUTHALA, THIRUVANANTHAPURAM.

BY ADVS.SRI.K.SIJU
SMT.S.SEETHA

RESPONDENTS/COMPLAINANT & STATE:

1. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
KADIRUR POLICE STATION REPRESENTED BY PUBLIC
PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. AYSHA, AGED 42 YEARS,
D/O.MOIDU, RAMSHEENA MANZIL, MAUWARI,
KOTTAYAM AMSOM, KOTTAYAM MALABAR P.O,
KANNUR DISTRICT 670 643.

R2 BY ADV. SRI.K.B.ARUNKUMAR
R1 BY SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7554 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1: THE COPY OF PRIVATE COMPLAINANT IN C.M.P NO.2279/2015 ON
THE FILE OF ADDL. CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

A2: THE FIR IN CRIME NO.668/2015 OF KADIRUR POLICE STATION

A3: THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE-FACTO
COMPLAINANT REGARDING COMPROMISE DATED 7/10/2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7554 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.668/2015 of the Kadirur Police Station, registered under Sections 498A and 406 r/w 34 of the Indian Penal Code on the complaint of one Aysha. 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 Aysha 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 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, the marriage stands dissolved by pronouncement of Talaq in terms of the settlement, and the victim's claims also stand settled adequately. 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.668/2015 of the Kadirur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

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P.A to Judge