

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

CrI.MC.No. 7596 of 2015

CRIME NO. 918/2015 OF KADAKKAL POLICE STATION, KOLLAM
.....

PETITIONER/ACCUSED:

**RASI M, AGED 32 YEARS
S/O.MUHAMMED BASHEER,
PACHAYIL VEEDU,
MANCODU
MANCODU P.O.,
MANCODU VILLAGE,
KOTTARAKKARA TALUK
KOLLAM.**

BY ADV. SRI.B.DIPU SACH DEV

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROECUTOR
HIGH COURT OF KERALA
ERNAKULAM, KOCHI 31.**
- 2. ANEESHYA, AGED 28 YEARS
W/O.SAJI, VENKODE PUTHEN VEEDU,
MULLIKKADU
CHITHARA VILLAGE, CHITHARA P.O.,
KOTTARAKKARA
KOLLAM, PIN: 691 001.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.
R2 BY ADV.SRI.ARUN BABU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1: CERTIFIED COPY OF FIR IN CRIME NO. 918/2015 OF
KADAKKAL POLICE STATION, KOLLAM DISTRICT**

ANNEXURE A2: ORIGINAL AFFIDAVIT OF 2ND RESPONDENT

RESPONDENT'S ANNEXURES:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

P. UBAID, J.

Crl.M.C. No.7596 of 2015

Dated this the 3rd day of December, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No. 918/2015 of Kadakkal Police Station, registered under Section 354A(i)(ii) of IPC on the complaint of one Aneeshya. 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 Aneeshya 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 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

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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. 918/2015 of Kadakkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

P. UBAID, JUDGE

DCS