

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Crl.MC.No. 7610 of 2015 ()

CRIME NO. 675/2015 OF HOSDURG POLICE STATION , KASARGOD DISTRICT
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PETITIONERS/ACCUSED:

- 1. BINDHU, AGED 42 YEARS
W/O. VISHWANATHAN
'GAYATHRI', FLORIAN ROAD
CIVIL STATION P.O., CALICUT**
- 2. INDIRA, AGED 46 YEARS
W/O. VALSARAJ, 'GAYATHRI'
FLORIAN ROAD, CIVIL STATION P.O.
CALICUT**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA, REPRESENTED
PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM - 682031**
- 2. KOUSALYA, AGED 65 YEARS
W/O. APPU, PUTHIYAVALLAPIL HOUSE
DEVAN ROAD, KANHANGAD P.O.
KASARAGOD DISTRICT - 671315**

**R2 BY ADV. SRI.P.K.SUBHASH
R1 BY PUBLIC PROSECUTOR JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C. 7610/2015

APPENDIX

**ANNEXURE AI COPY OF THE FIR IN CRIME NO.675/2015 OF HOSDURG POLICE
STATION, KASARAGOD DISTRICT**

**ANNEXURE AII COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7610 of 2015

Dated this the 4th day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.675/2015 of the Hosdurg Police Station, registered under Sections 341, 323, 448 and 427 read with 34IPC, on the complaint of one Kousalya. 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 Kousalya 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. The defacto complainant is none other than the mother-in-law of the 1st petitioner herein. It appears that the incident happened in connection with some matrimonial dispute between the first petitioner and her husband. Any way, the whole dispute stands resolved forever. It is submitted that the first petitioner has joined her husband, and they are now leading a very happy married life.

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 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.675/2015 of the Hosdurg Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge