

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Cr1.MC.No. 7788 of 2015

CRIME NO. 716/2014 OF PARIYARAM POLICE STATION, KANNUR

PETITIONERS/ACCUSED NOS.1 TO 5:

1. BIJU THOMAS, AGED 37 YEARS,
S/O.AUGASTHI, MADASSERI HOUSE, THATTERI,
CHUZHALI, KANNUR DISTRICT.
2. AKKAMMA AUGASTHI, AGED 69 YEARS,
W/O.AUGASTHI, MADASSERI HOUSE, THATTERI,
CHUZHALI, KANNUR DISTRICT.
3. BINESH, AGED 35 YEARS,
S/O.AUGASTHI, MADASSERI HOUSE, THATTERI,
CHUZHALI, KANNUR DISTRICT.
4. BINDU BINOY,
W/O.BINOY, PERUMBADAVU P.O., KANNUR DISTRICT.
5. AUGASTHI, AGED 74 YEARS,
MADASSERI HOUSE, THATTERI, CHUZHALI,
KANNUR DISTRICT.

BY ADVS.SRI.TITUS MANI

SRI.P.A.JACOB

SRI.BINNY THOMAS

SRI.C.M.GEORGE

RESPONDENTS/DEFACTO COMPLAINANT/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. VIJI.V, AGED 30 YEARS,
D/O.BABU, CHERUTHAZHAM AMSOM DESOM,
PILATHARA, KANNUR DISTRICT.

R2 BY ADV. SMT.P.SREESHA

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7788 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1. A CERTIFIED COPY OF THE COMPLAINT DATED 29/9/2014
FILED BY THE 2ND RESPONDENT BEFORE THE SHO PARIYARAM MEDICAL
COLLEGE POLICE STATION, PARIYARAM.

ANNEXURE-A2. A CERTIFIED COPY OF THE FIR DATED 29/9/2014 OF
CRIM NO. 716/2014 PARIYARAM MEDICAL COLLEGE POLICE STATION,
PARIYARAM.

ANNEXURE-A3. AN AFFIDAVIT IN ORIGINAL FILED BY THE 2ND
RESPONDENT .

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7788 of 2015

Dated this the 14th day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.716/2014 of the Pariyaram Medical College Police Station, Pariyaram, registered under Section 498(A) of the Indian Penal Code on the complaint of one Viji. 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 Viji 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, and that she has joined her husband in matrimony. 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.716/2014 of the Pariyaram Medical College Police Station, Pariyaram will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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