

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA,
1937

Cr1.MC.No. 7892 of 2015

CRIME NO. 873/2015 OF WANDOOOR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

VIVEK, AGED 20 YEARS,
S/O.LOHIDAKSHAN, PUTHAN KOVILAKATH HOUSE,
POOTHRAKKOVE,
PORUR P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/STATE/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
WANDOOOR POLICE STATION, MALAPPURAM DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SALINI, AGED 37 YEARS,
W/O.MURALEEDHARAN, CHIRAKKAL HOSUE, POOTHRAKKOVE,
PORUR P.O., MALAPPURAMD SITRICT,
PIN - 679 339.
3. UNNIKRISHNAN, AGED 48 YEARS,
S/O.GANAPATHI, CHIRAKKAL HOSUE, POOTHRAKKOVE,
PORUR P.O., MALAPPURAM DISTRICT,
PIN - 679 339.

R1&2 BY ADV. SMT.P.M.SHAHIDA
R1 BY PUBLIC PROSECUTOR SMT.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 18-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7892 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1. CERTIFIED COPY OF THE FIR IN CRIME
NO.873/2015 OF WANDOOOR POLICE STATION DATED 17/11/2015.

ANNEXURE-AII. ORIGINAL OF THE AFFIDAVIT DATED 11/12/2015
EXECUTED BY THE 2ND RESPONDENT

ANNEXURE-AIII. ORIGINAL OF THE AFFIDAVIT DATED
11/12/2015 EXECUTED BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7892 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.873/2015 of the Wandoor Police Station, registered under Sections 143, 147, 148, 341, 323, 324, 354 and 452 of the Indian Penal Code on the complaint of one Salini. 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 Salini is the second 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. The other person who sustained injuries in the alleged incident is the third respondent. He has also filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint now.

3. 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 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. On a perusal of the First Information Statement I find that this is only a case of assault in which the victim lady also sustained injuries. A mere assault on a woman will not by itself come under Section 354 of the Indian Penal Code. For such a prosecution something more is required. Anyway, the parties have now come to terms amicably, and the whole dispute stands resolved forever.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.873/2015 of the Wandoor 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