

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Crl.MC.No. 7923 of 2015 ()

CRIME NO. 102/2015 OF ANGAMALI POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED NOS 1 TO 3:

- 1. VARGHESE ANTONY AGED 40 YEARS
S/O. LATE ANTONY, KURIYEDATH HOUSE, VENGOOR KARA
KIDANGOOR P.O., ANGAMALY VILLAGE.**
- 2. ANNAMMA ANTONY AGED 67 YEARS
W/O. LATE ANTONY, KURIYEDATH HOUSE, VENGOOR KARA
KIDANGOOR P.O., ANGAMALY VILLAGE**
- 3. SINI AGED 31 YEARS
D/O. LATE ANTONY AND W/O. SHEENS, PLASSERI HOUSE
THAZHEKKAD P.O., IRINGALAKKUDA.**

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM REPRESENTING SUB INSPECTOR OF POLICE
ANGAMALY POLICE STATION.**
- 2. JINI, AGED 29 YEARS
D/O. JOSEPH, KALLELI HOUSE, PARAKKULAM BHAGAM
ANGAMALY VILLAGE, ALUVA TALUK-683 101**

**R2 BY ADV. SMT.C.A.LINCY
R1 BY ADV.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7923 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**A1: COPY OF THE FIR AND F.I STATEMENT IN CRIME NO. 102/2015 ON THE FILE
OF JUDICIAL FIRST CLASS MAGISTRATE COURT ANGAMALY.**

A2: AFFIDAVIT FILED BY RESPONDENT NO.2.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7923 of 2015

Dated this the 21st day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.102/2015 of the Angamaly Police Station, registered under Sections 323, 34 and 498-A IPC, on the complaint of one Jini. 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 Jini 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and the parties have filed a joint application for divorce in terms of the settlement arrived at. The claims also stand settled. In such a situation it is appropriate that the prosecution be quashed.

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.102/2015 of the Angamaly Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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// True Copy //

P.A. to Judge