

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

CrI.MC.No. 7984 of 2015 ()

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CRIME NO. 412/2015 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT
=====**

PETITIONERS/ACCUSED 1 TO 3:

- 1. RAJESH R., AGED 29 YEARS, S/O. RAJAN
VAZHOTTU VEEDU, PURAVOOR
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DISTRICT**
- 2. RAJAN, AGED 52 YEARS, S/O. MATHAI
VAZHOTTU VEEDU, PURAVOOR
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DISTRICT**
- 3. LALY, AGED 45 YEARS, W/O. RAJAN
VAZHOTTU VEEDU, PURAVOOR
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS/STATE, DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682031**
- 2. NEETHU S., AGED 20 YEARS, D/O. SUGANTHI
THAZHEVILA VEEDU (NEETHU BHAVAN)
MURUKKUMPZHA P.O., VEILOOR VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695001**

R2 BY ADV. SMT.V.VIJITHA

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO. 7984/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO.412/2015 OF THE
CHIRAYINKEEZHU POLICE STATION, THIRUVANANTHAPURAM
DISTRICT**

ANNEXURE A2 COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7984 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.412/2015 of the Chirayinkeezhu Police Station, registered under Sections 34, 498-A and 506(ii) on the complaint of one Neethu. 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 Neethu 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. It is submitted that the parties have parted ways in terms of the settlement, and that the claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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 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.412/2015 of the Chirayinkeezhu 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