

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

Crl.MC.No. 7996 of 2015 ()

CRIME NO.195/2015 OF KANNUR TOWN POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED:

**SANDEEP T.M., AGED 36 YEARS
S/O.JOY, IIND FLOOR, DOWN TOWN
THALAP, KANNUR-670 002.**

BY ADV. SRI.K.RAJESH SUKUMARAN

RESPONDENTS/DEFACTO-COMPLAINANT/STATE:

- 1. SHAMRIN VENUGOPAL, AGED 35 YEARS
D/O.VENUGOPAL, VYSHNAVAM, NEAR POTHERI HOTEL
THALAP, KANNUR-670 002.**
- 2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM. PIN-682 031.**

**R1 BY ADV. SRI.R.SREEHARI
R2 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:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE A1- SERVED COPY OF THE COMPLAINT FILED BY THE 1ST
RESPONDENT BEFORE THE DEPUTY SUPT. OF POLICE,
KANNUR.**
- ANNEXURE A2- SERVED COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.195/2015 DATED 01.02.2015 OF KANNUR TOWN POLICE
STATION.**
- ANNEXURE A3- COPY OF THE AGREEMENT DATED 29.06.2015 EXECUTED BY
THE PETITIONER AND THE 1ST RESPONDENT.**
- ANNEXURE A4- COPY OF THE ORDER IN OP.851/2014 DATED 09.07.2015 OF THE
FAMILY COURT, KANNUR.**
- ANNEXURE A5- NOTARISED SWORN AFFIDAVIT OF THE 1ST RESPONDENT,
WIFE.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7996 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.195/2015 of the Kannur Town Police Station, registered under Section 498-A, on the complaint of one Shamrin Venugopal. 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 Shamrin Venugopal is the 1st 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 settlement made out of court, and that they have also filed a joint application for divorce under Section 13B of the Hindu Marriage Act. 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.195/2015 of the Kannur Town 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