

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 8018 of 2015

CRIME NO. 654/2015 OF CHELAKKARA POLICE STATION, TRISSUR

PETITIONER/ACCUSED:

JALISH, AGED 28 YEARS,
S/O.SAIDU MUHAMMED, KADAMANKOTTIL HOUSE,
PATHUKKUDI
CHELAKKARA, THRISSUR DISTRICT, PIN-680 686.

BY ADV. SRI.A.C.DEVY

RESPONDENTS/COMPLAINANT & STATE:

1. NABEESA, AGED 50 YEARS,
W/O.HAMZA, PLAKOOTATHIL HOUSE,
KILIMANGALAM VILLAGE,
THRISSUR DISTRICT-680 591.
2. SUHARA, AGED 26 YEARS,
W/O.JAMESH, KADAMANKOTTIL HOUSE, MEPPADAMI,
CHELAKKARA, THRISSUR DISTRICT. 680 686.
3. THE STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM - 682 031.

R1-2 BY ADV. SRI.P.JAYAN TOMY

R3 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 23-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 8018 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A- CERTIFIED COPY OF THE RELEVANT PAGES OF FIR
REGISTERED BY THE CHELAKARA POLICE STATION.

ANNEXURE B- COPY OF THE AFFIDAVIT SWORN BY THE 1ST AND
2ND RESPONDENTS.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.8018 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.654/2015 of the Chelakkara Police Station, registered under Sections 452, 341, 324, 354 and 294(b) of the Indian Penal Code on the complaint of one Nabeeza. 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 Nabeeza is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The other person who sustained injuries in the alleged incident is the second respondent. The respondents 1 and 2 have jointly filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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. On a perusal of the materials I find that this is only a case of assault on a woman. For a prosecution under Section 354 of IPC something more is required. A mere assault on a woman will not by itself come under Section 354 of the Indian Penal Code.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.654/2015 of the Chelakkara 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