

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

Crl.MC.No. 8050 of 2015 ()

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CRIME NO. 851/2015 OF POTHENCODE POLICE STATION, THIRUVANANTHAPURAM
DISTRICT
=====**

PETITIONER/ACCUSED 1 & 2:

- 1. CHANDRA BABU K., S/O. KRISHNANKUTTY
PANTHADIVILA VEEDU, VAVARAMBALAM
POTHENCODE P.O., THIRUVANANTHAPURAM**
- 2. KRISHNANKUTTY, S/O. KOCHAPPI
PANTHADIVILA VEEDU, VAVARAMBALAM
POTHENCODE P.O., THIRUVANTHAPURAM**

BY ADV. SRI.G.SUDHEER

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682031**
- 2. ANEESHA RAJ P., D/O. DEVARAJAN, AGED 30 YEARS
KRISHNAKRIPA, TC 36/60(3), MANAVA NAGAR
HOUSE NO.75, PETTAH P.O.
THIRUVANANTHAPURAM - 695001**

R2 BY ADV. SMT.K.SUJA KUMARI

R1 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:**

CRL.M.C.NO.8050/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A ATTESTED COPY OF THE FIR AND FIS IN CRIME NO.851/2015 OF
POTHENCODE POLICE STATION DATED 17.09.2015**

ANNEXURE B ATTESTED COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.8050 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.851/2015 of the Judicial First Class Magistrate Court-I, Attingal, registered under Section 498-A IPC, on the complaint of one Aneesha Raj. 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 Aneesha Raj 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.

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.851/2015 of the Judicial First Class Magistrate Court-I, Attingal will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

sd

// True Copy // P.A. to Judge