

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Cr1.MC.No. 307 of 2015

IN C.C NO.645/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMKULAM

PETITIONER/ACCUSED:

NIVIN KUMAR,
S/O.KUMARAN, MANATHALA HOUSE,
KONATHUKUNNU P.O,
THRISSUR DISTRICT.

BY ADV. SMT.P.R.REENA

RESPONDENTS/COMPLAINANT & STATE:

1. SHYAMA,
D/O.MINI, KARANCHIRA HOUSE, MUNDOOR P.O.
THRISSUR, PIN-680 541.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

R1 BY ADV. SRI.K.D.BABU

R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 307 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I : COPY OF THE FIR IN CR.NO.8/2013 OF PERAMANGALAM
POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.307 of 2015

Dated this the 3rd day of August, 2015

O R D E R

The petitioner herein is the accused in C.C No.645/2013 of the Judicial First Class Magistrate Court, Kunnankulam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 323, 324, 498A and 506(2) r/w 34 of the Indian Penal Code on the complaint of one Shyama who 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 now.

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 in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable

settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.645/2013 of the Judicial First Class Magistrate Court, Kunnamkulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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