

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Cr1.MC.No.773 of 2015

IN C.C NO.811/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, ADOOR
CRIME NO.372/2011 OF PANDALAM POLICE STATION, PATHANAMTITTA

PETITIONER/ACCUSED:

K.C.PRAMOD DAS, AGED 37 YEARS,
S/O.SANKARANARAYANA MENON, PAVITHRAM, TANUR P.O,
RAYIRIMANGALAM, THIRROOR TALUK, MALAPPURAM.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENTS/STATE AND CW1:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. VIJAYALEKSHMI, AGED 29 YEARS,
D/O.VISWANATHAN NAIR, VISWA NIVAS,
THONNALLUR MURI,
PANDALAM VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT-691523.

R2 BY ADV. SRI.SERGI JOSEPH THOMAS
R1 BY PUBLIC PROSECUTOR SMT.R.REMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: THE CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.811/2012 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR.

ANNEXURE-A2: COPY OF THE JUDGMENT DATED 25/04/2013 IN O.P. (HMA) NO.997/2012 ON THE FILE OF THE FAMILY COURT, THIRUVALLA.

ANNEXURE-A3: COPY OF THE COMPROMISE AGREEMENT ENTERED BETWEEN THE PETITIONER AND THE SECOND RESPONDENT IN O.P.NO.546/2011 ON THE FILE OF THE FAMILY COURT, THIRUVALLA.

ANNEXURE-A4: AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE SETTLEMENT OF ALL THE DISPUTES.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.773 of 2015

Dated this the 11th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C No.811/2012 of the Judicial First Class Magistrate Court, Adoor. 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 Section 498(A) of the Indian Penal Code on the complaint of one Vijayalekshmi, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the marriage stands dissolved, and the dues 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 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.811/2012 of the Judicial First Class Magistrate Court, Adoor 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.

**Sd/-
P.UBAID
JUDGE**

ab

/True copy/

P.Ato Judge