

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

CrI.MC.No. 2659 of 2015 ()

AGAINST CC 410/2013 of J.M.F.C.,KATTAKADA
CRIME NO. 1287/2012 OF KATTAKADA POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S):

1. SANJEEV NAIR AGED 39 YEARS
S/O.USHA NAIR, RESIDING AT R/O.SECTOR 37
HOUSE NO.1491, ARUN VIHAR, NOIDA
UTTAR PRADESH (UP)
2. USHA NAIR AGED 62 YEARS
D/O.PARU, RESIDING AT DO-
3. SINDHU SHAJI AGED 44 YEARS
D/O.USHA NAIR, RESIDING AT LETHA SADANAM, THUNGAPPARA
KUCHUNDARA MURI, KULTHUMAL VILLAGE, KATTAKKADA
THIRUVANANTHAPURAM
4. JAYAKUMAR AGED 52 YEARS
S/O.SARASWATHI DEVI, HOUSE NO.RR 22, CONVENT ROAD
VAITTELA, ERNAKULAM
(BRAHMA SREE SARASWATHI DEVI MADOM, PAPPANAMCODE
MARANALLOOR DESOM, MARANALLOOR VILLAGE
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT)
5. SANDEEP NAIR AGED 42 YEARS
S/O.SIVASANKARAN NAIR, RESIDING AT HOUSE NO.577
SECTOR 29, NOIDA, UTTAR PRADESH (UP)

BY ADVS.SRI.V.AJAKUMAR
SRI.T.M.CHANDRAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KATTAKKADA POLICE STATION, KATTAKKADA PO.
THIRUVANANTHAPURAM THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, 682031
2. PRATHIBHA P . NAIR, AGED 29 YEARS
D/O.B PRASANNA KUMARI, RESIDING AT VIJAYA BHAVAN
VANDANNOOR, PERUMPAZHUTHOOR PO, MARANALLOOR DESOM
MARANALLOOR VILLAGE, NEYYATTINKARA TALUK
THIRUVANANTHAPURAM DISTRICT, PIN 695126

R BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2659 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: CERTIFIED COPY OF THE CMP.NO.2686/2012
ANNEXURE 2: CERTIFIED COPY OF THE FINAL REPORT IN KATTAKKADA POLICE
STATION, CRIME NO.1287/2012
ANNEXURE 3: TRUE COPY OF THE OP.NO.1929/2012
ANNEXURE 4: TRUE COPY OF THE OP.NO.147/2014
ANNEXURE 5: TRUE COPY OF THE OP.NO.1657/2014
ANNEXURE 6: TRUE COPY OF THE SETTLEMENT AGREEMENT DATED 27.10.2014
ANNEXURE 7: TRUE COPY OF THE ORDER DATED 27.12.2014 IN
CMP.NO.3721/2013

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2659 of 2015**  
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Dated this the 5th May, 2015

ORDER

The petitioners herein are the five accused in C.C No.410 of 2013 of the Judicial First Class Magistrate's Court, Kattakada. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 498A and 506 (1) read with Section 34 of the Indian Penal Code on the complaint of one Prathibha P.Nair, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The petitioners have produced the settlement agreement between the 1st petitioner and the 2nd respondent showing that they have settled the whole dispute, and they have 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, and I am satisfied that the parties are now on quite cordial terms. 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 petitioners herein in C.C No.410 of 2013 of the Judicial First Class Magistrate's Court, Kattakkada will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

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