

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Cr1.MC.No. 4329 of 2015

IN CC 1997/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PALAKKAD

CRIME NO. 493/2012 OF KUZHALMANNAM POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED:

1. MANOJ, AGED 47 YEARS,
S/O.PUSHKARAN, PAMPUMKATTIL HOUSE, VIYYUR VILLAGE,
THRISSUR DISTRICT.
2. PUSHKARAN,
PAMPUMKATTIL HOUSE, VIYYUR VILLAGE,
THRISSUR DISTRICT.
3. INDIRA,
W/O.PUSHKARAN, PAMPUMKATTIL HOUSE, VIYYUR VILLAGE
THRISSUR DISTRICT.
4. MANJUNA,
D/O.PUSHKARAN, PAMPUMKATTIL HOUSE, VIYYUR VILLAGE
THRISSUR DISTRICT.

BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. DIVYA
D/O.DEVADAS, NELLIYAMPARAMBU HOUSE, MATHUR,
ALATHUR, PALAKKAD DISTRICT-678 541.

R2 BY ADV. SRI.M.REVIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4329 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A- COPY OF FINAL REPORT IN CRIME 493/12 OF KUZHALMANNAM
POLICE STATION.

ANNEXURE B- COPY OF THE ORDER DATED 13.5.2015 IN C.C.1997/12 ON
THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PALAKKAD.

ANNEXURE C- AN AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4329 of 2015

Dated this the 13th day of July, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1997/2012 of the Judicial First Class Magistrate Court, Palakkad. 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 Section 498(A) of the Indian Penal Code on the complaint of one Divya, who 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 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.1997/2012 of the Judicial First Class Magistrate's Court, Palakkad 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.

**P.UBAID
JUDGE**

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