

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. 4331 of 2015

CRIME NO. 206/2015 OF THENHIPALAM POLICE STATION, MALAPPURAM

IN C.C. NO.594/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI

PETITIONER/ACCUSED:

N.SADASIVAN PILLAI, AGED 53 YEARS,
S/O.LATE NARAYANA PILLAI,
USMAN QUARTERS, DEVATHIYAL,
THENJIPPALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. ARCHANA M.A, AGED 43 YEARS,
W/O.N.SADASIVAN PILLAI,
KAILAS HOUSE, THAYYIL (P.O)
KANNUR - 670 003.

R2 BY ADV. SRI.SABU GEORGE

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. 4331 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE FIR NO.206/2015 OF THENHIPALAM POLICE STATION ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAPPANANGADI.

ANNEXURE II: COPY OF THE FINAL REPORT.

ANNEXURE III: COPY OF THE AFFIDAVIT SHOWN BY THE 2ND RESPONDENT NARRATING THE SETTLEMENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4331 of 2015

Dated this the 13th day of July, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.594/2015 of the Judicial First Class Magistrate Court, Parappanangadi. 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 498A and 406 of the Indian Penal Code on the complaint of one Archana 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. 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. It is submitted that the 2nd respondent has already joined the petitioner in matrimony, and that they are now living happily as husband and wife. In such a situation, continuance of the prosecution will do harm and hardship to them, and will defile the happy matrimony.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.594/2015 of the Judicial First Class Magistrate Court, Parappanangadi 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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