

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4355 of 2015

CC 28/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUTHUPARAMBA

CRIME NO. 187/2014 OF KUTHUPARAMBA POLICE STATION , KANNUR

PETITIONER/ACCUSED :-

**BINOJ C., AGED 34 YEARS,
S/O. DAMODARAN, 'BIDS', NARAVUR,
KUTHUPARAMBA P.O., KANNUR DISTRICT.**

**BY ADVS.SMT.K.DEEPA (PAYYANUR)
SRI.V.R.NASAR**

RESPONDENTS :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RESHMA E., AGED 26 YEARS,
D/O. RAMESHAN, EKKALIL HOUSE, MUNDALLUR P.O.,
PERALASSERY, KANNUR DISTRICT.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY SMT.CELINE JOSEPH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4355 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-I :- TRUE COPY OF THE COMPLAINT AND FIR OF CRIME NO.187/2014
OF THE KUTHUPARAMBA POLICE STATION.**

**ANNEXURE-II :- TRUE COPY OF THE CHARGE OF CRIME NO.187/2014 OF THE
KUTHUPARAMBA POLICE STATION.**

**ANNEXURE-III :- TRUE COPY OF THE AGREEMENT BETWEEN THE 1ST PETITIONER
AND THE 2ND RESPONDENT.**

ANNEXURE-IV :- AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4355 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.28 of 2015 of the Judicial First Class Magistrate Court, Kuthuparamba. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Final report in this case was submitted under Section 498(A) read with Section 34 of the Indian Penal Code, on the complaint of one Reshma E., 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 further proceedings 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.28 of 2015 of the Judicial First Class Magistrate Court, Kuthuparamba 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

rkj

//TRUE COPY//

P.A. TO JUDGE