

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Cr1.MC.No. 4383 of 2015

IN CC 965/2014 of J.M.F.C.-I, KOYILANDY

CRIME NO. 359/2014 OF ELATHUR POLICE STATION , KOZHIKODE

PETITIONERS/ACCUSED IN CRIME NO.359/2014:

1. VIPIN DAS,
S/O.GOPALAN, KATUPARAMBIL HOUSE,
MADAPALLI COLLEGE (P.O.), VATAKKARA, KOZHIKODE.
2. VILASINI,
W/O.GOPALAN, KATUPARAMBIL HOUSE,
MADAPALLI COLLEGE (P.O.), VATAKKARA, KOZHIKODE
3. VINOD KUMAR,
S/O.GOPALAN, KATUPARAMBIL HOUSE,
MADAPALLI COLLEGE (P.O.), VATAKKARA, KOZHIKODE
4. INDHU
VENGAPPURATH HOUSE, KUMARANALLUR P.O., ANAIMUKKU,
MUKKAM, KOZHIKODE DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
ELATHUR POLICE STATION, KOZHIKODE DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. PRABITHA, AGED 32 YEARS,
D/O.PRABHAKARAN, PUTHOOKKARA HOUSE, WEST HILL P.O.
KOZHIKODE DISTRICT.

R2 BY ADV. SMT.P.SREELAKSHMI

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJURAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4383 of 2015

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE 1: COPY OF THE FIRST INFORMATION REPORT DATED 19/6/2014.

ANNEXURE 2: COPY OF THE FINAL REPORT DATED 12/8/2014.

ANNEXURE 3: COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED
7/7/2014.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4383 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioners herein are the four accused in C.C No.965/2014 of the Judicial First Class Magistrate Court, Koyilandi. 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 498(A), 406, 148 r/w 34 of the Indian Penal Code on the complaint of one Prabitha 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.965/2014 of the Judicial First Class Magistrate's Court, Koyilandi 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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