

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

Crl.MC.No. 4399 of 2015

IN C.C NO.2648/2013 of J.M.F.C.-I, THRISSUR

CRIME NO. 697/2013 OF CHERPU POLICE STATION, TRISSUR

PETITIONER/ACCUSED:

NOUSHAD, AGED 31 YEARS,
S/O.MUHAMMED KHAN, MADATHIVILA PUTHENVEEDU HOUSE,
KARALIKONAM DESOM, P.O.ARKKANNUR, KOLLAM DISTRICT.

BY ADVS.SRI.P.G.SURESH
SRI.G.SUDHEER (THURAVOOR)
SRI.V.HARISH

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHERPU POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. SHAMLA, AGED 28 YEARS,
D/O.ABDUL SALAM, KAKKASSERY HOUSE, P.O.CHERPU,
VALIYACHENAM DESOM, PARALAM VILLAGE,
THRISSUR DISTRICT - 680 561.

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:

Crl.MC.No. 4399 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: COPY OF THE FIR IN CRIME NO.697/2013, REGISTERED BY
CHERPU POLICE, THRISSUR.

ANNEXURE-A2: COPY OF THE FINAL REPORT IN C.C.NO.2648/2013 PENDING
BEFORE THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT,
NO.1, THRISSUR.

ANNEXURE-A3: COPY OF THE RECEIPT FOR THE PAYMENT MADE TO THE 2ND
RESPONDENT

ANNEXURE-A4: THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE 2ND
RESPONDENT TO THE EFFECT OF SETTLEMENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4399 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioner herein is the accused in C.C No.2648/2013 of the Judicial First Class Magistrate Court I, Thrissur. 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 Section 498(A) of the Indian Penal Code on the complaint of one Shamla 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 petitioner herein in C.C No.2648/2013 of the Judicial First Class Magistrate Court I, Thrissur 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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