

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. 4403 of 2015

IN C.C 840/2015 of J.M.F.C. - I, NORTH PARAVUR
CRIME NO. 2054/2014 OF NORTH PARAVUR POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED NO.1 TO 3:

1. PRAMOD, AGED 33 YEARS,
S/O.PRATHAPAN, KONATTU PARAMBU, NANDIYATTUKUNNAM,
KAITHARAM PO, N.PARAVUR
2. PRATHAPAN, AGED 60 YEARS,
S/O.SUBRAMANYAN, KONATTU PARAMBU, NANDIYATTUKUNNAM,
KAITHARAM PO, N.PARAVUR
3. RAMA, AGED 58 YEARS,
W/O.PRATHAPAN, KONATTU PARAMBU, NANDIYATTUKUNNAM,
KAITHARAM PO, N.PARAVUR

BY ADV. SRI.V.A.PRADEEP KUMAR

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA - 682 031
2. SHILNA, AGED 28 YEARS,
W/O.PRAMOD, CHUNGATH PARAMBU, KUNDOOR P.O
PIN 680734, THRISSUR DT.

R2 BY ADV. SRI.K.S.RAJESH

R2 BY ADV. SRI.M.SHAJU PURUSHOTHAMAN

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. 4403 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE AI: COPY OF THE FIR IN CRIME NO.2054/2014 ON THE FILE OF
THE POLICE STATION, N. PARAVUR

ANNEXURE AII: COPY OF THE CHARGE IN CC.NO.840/2015 ON THE FILE OF
THE JFCM I , N.PARAVUR

ANNEXURE AIII: TRUE COPY OF THE AFFIDAVIT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4403 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioners herein are the three accused in C.C No.840/2015 of the Judicial First Class Magistrate Court I, North Paravur. 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 498A r/w 34 of the Indian Penal Code on the complaint of one Shilna 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. It is submitted that the complainant has now joined the 1st accused in matrimony, and that they are now living happily and peaceably as husband and wife. In such a situation continuance of the prosecution will do harm and hardship to them and will create further problems in matrimony. It is appropriate that the prosecution be quashed. 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.840/2015 of the Judicial First Class Magistrate Court I, North Paravur 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.

**Sd/-
P.UBAID
JUDGE**

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