

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. 4406 of 2015

IN CC 353/2015 of J.M.F.C., TALIPARAMBA

CRIME NO. 1389/2014 OF TALIPARAMBA POLICE STATION, KANNUR

PETITIONER/ACCUSED:

VIJIL E.P, AGED 25 YEARS,
S/O.KARUNAN, ERATTAKULAM HOUSE,
TALIPARAMBA AMSOM,
KEEZHATTUR, KUTTIKOL P.O, KANNUR DISTRICT

BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH

RESPONDENTS/STATE & VICTIM:

1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. ROOPASREE M.K., AGED 36 YEARS,
W/O.LAKSHMANAN, PARAYIL HOUSE, TALIPARAMBA AMSOM,
KEEZHATTUR, KUTTIKOL PO, KANNUR DISTRICT-670 562.
- R2 BY ADV. SRI.MOHANAN V.T.K.
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. 4406 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE FINAL REPORT SUBMITTED BY THE POLICE IN
CRIME NO.1389/2014 OF THE TALIPARAMBA POLICE STATION.

ANNEXURE 2: AFFIDAVIT DATED 10.6.2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4406 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.353/2015 of the Judicial First Class Magistrate Court, Taliparamba. 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 448, 427, 506(ii) and 354 of the Indian Penal Code on the complaint of one Roopasree 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.353/2015 of the Judicial First Class Magistrate Court, Taliparamba 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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