

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. 4407 of 2015

IN C.C 1337/2014 of J.M.F.C., TALIPARAMBA

CRIME NO. 999/2014 OF THALIPARAMBA POLICE STATION, KANNUR

PETITIONER/ACCUSED:

PRADEEPKUMAR V.V, AGED 41 YEARS,
S/O.CHANDUKUTTY, VAYALAPRA VEEDU, KARIPPAL P.O,
CHAPPARAPPADAVU (VIA), KANNUR DISTRICT.

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

RESPONDENTS/STATE & VICTIM:

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1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. P.V.SMITHA, AGED 31 YEARS,
W/O.PRADEEPKUMAR, NARAYANA NILAYAM, KADAMBERI P.O,
TALIPARAMBA TALUK, KANNUR DISTRICT, PIN-670 101.
- 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:

Cr1.MC.No. 4407 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1 : COPY OF THE FINAL REPORT (CHARGE SHEET) SUBMITTED
BY THE POLICE IN CR.NO.999/2014 OF TALIPARAMBA POLICE STATION (IN
CC NO.1337/2014 OF JFCM, TALIPARAMBA)

ANNEXURE 2 : AFFIDAVIT DATED 14-7-2015 SWORN TO BY THE 2ND
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4407 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.1337/2014 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 498A and 499 of the Indian Penal Code on the complaint of one Smitha 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 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 petitioner herein in C.C No.1337/2014 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.

Sd/-
P.UBAID
JUDGE

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