

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. 4411 of 2015

IN C.C NO. 967/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PAYYANNUR
CRIME NO. 1118/2013 OF PAYYANNUR POLICE STATION, KANNUR

PETITIONER/ACCUSED:

JAYESH P., AGED 34 YEARS,
S/O.RAMAN, 'KARTHIKA', PRATHIYATH HOUSE,
NEAR SREE PRABHA AUDITORIUM, PAYYANNUR
KANNUR DISTRICT

BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

1. STATE
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031
2. DEEPTHI.P, AGED 26 YEARS,
D/O.DAMODARAN, 'RAMADEEPAM, THAYINERI,
PAYYANNUR VILLAGE & POST 670307, KANNUR DISTRICT

R2 BY ADV. SRI.S.R.SREEJITH
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. 4411 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE AI: COPY OF THE FIR IN CRIME NO. 1118 OF 2013 OF
PAYYANNUR POLICE STATION, KANNUR DISTRICT

ANNEXURE AII:: COPY OF THE FINAL REPORT FILED BY THE
INVESTIGATING OFFICER IN CRIME NO.1118/2013 OF PAYYANNUR POLICE
STATION

ANNEXURE AIII: COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF THE SAID
OFFENCES AND THE STATEMENT OF THE DISPUTES

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4411 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.967/2014 of the Judicial First Class Magistrate Court, Payyannur. 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 498A of the Indian Penal Code on the complaint of one Deepthi 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.967/2014 of the Judicial First Class Magistrate Court, Payyannur 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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