

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. 4431 of 2015

IN C.C NO. 965/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, KANNUR

CRIME NO. 546/2014 OF KANNUR TOWN POLICE STATION, KANNUR

PETITIONERS/ACCUSED:

1. N.V.PRADEESH, AGED 30 YEARS,
S/O.T.V.KUNHIKANNAN, RESIDING AT NADUVILE VEEDU,
P.O.KANKOL, PAYYANNUR, KANNUR DISTRICT-670307.
2. T.V.KUNHIKANNAN, NADUVILE VEEDU,
P.O.KANKOL, PAYYANNUR, KANNUR DISTRICT-670307.
3. N.V.PADMINI,
W/O.T.V.KUNHIKANNAN, NADUVILE VEEDU, P.O.KANKOL
PAYYANNUR, KANNUR DISTRICT-670307.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS/COMPLAINANT & STATE:

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
KANNUR TOWN POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.
2. DILNA RAJEEV.K.A, AGED 28 YEARS,
D/O.RAJEEV KUMAR.A.P, KORAMBATH HOUSE.P.O,
CHOVVA,
KANNUR DISTRICT-670006.

R2 BY ADV. SRI.T.M.ABDUL RAHMAN

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. 4431 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1 COPY OF THE COMPLAINT DATED 8.4.14 SUBMITTED BY THE
SECOND RESPONDENT.

ANNEXURE-A2 COPY OF THE FIR DATED 12.4.2014

ANNEXURE-A3 COPY OF THE FINAL REPORT AND CHARGE DATED 29.5.14

ANNEXURE-A4 COPY OF THE AFFIDAVIT DATED 11.7.15 SWORN BY THE
SECOND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY/

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4431 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.965/2014 of the Judicial First Class Magistrate Court I, Kannur. 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 Section 498A of the Indian Penal Code on the complaint of one Dilna Rajeev 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 petitioners herein in C.C No.965/2014 of the Judicial First Class Magistrate Court I, Kannur 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.

**P.UBAID
JUDGE**

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