

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Cr1.MC.No. 4529 of 2015

IN C.C 1054/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-I, HOSDRUG

CRIME NO. 371/2012 OF CHANDERA POLICE STATION, KASARGOD

PETITIONER:

SREEJESH.K, AGED 34 YEARS,
S/O.LATE KUNHIKRISHNAN,
KANGOKKARAN HOUSE, NEAR PRABATH HOTEL,
KALIKKADAVU, PILICODE,
KASARAGOD.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. NISHA. P, AGED 31 YEARS,
D/O.RAGHAVAN,
PADOLI NEELAN HOUSE, NEAR MUCHILOT,
ELAMBACHI, SOUTH TRIKARIPUR VILLAGE,
HOSDURG TALUK, KASARAGOD - 671 121.

R2 BY ADV. SRI.P.K.SUBHASH

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4529 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.371/2012 OF CHANDERA POLICE STATION, KASARAGOD.

ANNEXURE AII: COPY OF THE FINAL REPORT IN CRIME NO.371/2012 OF CHANDERA POLICE STATION, KASARAGOD.

ANNEXURE AIII: COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4529 of 2015

Dated this the 20th day of July, 2015

O R D E R

The petitioner herein is the accused in C.C No.1054/2012 of the Judicial First Class Magistrate Court I, Hosdurg. 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 Nisha 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.1054/2012 of the Judicial First Class Magistrate Court I, Hosdurg 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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