

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Cr1.MC.No. 4650 of 2015

IN C.C 127/2013 of J.M.F.C.-I, THIRUVANANDAPURAM
CRIME NO. 849/2012 OF SREEKARIYAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONER:

NABIN.N, AGED 45 YEARS,
S/O.NALARAJAN, DERSANA,
VENCHAVOODU, SREEKARYAM,
THIRUVANANDAPURAM.

BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA

RESPONDENTS/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. THE ASSISTANT COMMISSIONER OF POLICE,
SREEKARYAM POLICE STATION,
THIRUVANANDAPURAM.
3. NEELIMA.M, D/O.N.MURALEEDHARAN,
AGED 38 YEARS, SREDHANYA HOMES,
FLAT NO.6E, SREEKARYAM,
THIRUVANANDAPURAM.

R3 BY ADV. SMT.M.M.DEEPA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4650 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE CHARGE SHEET SUBMITTED BY THE ASSISTANT COMMISSIONER OF POLICE, SREEKARYAM POLICE STATION.

ANNEXURE B: AFFIDAVIT SIGNED BY THE 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4650 of 2015

Dated this the 23rd day of July, 2015

O R D E R

The petitioner herein is the accused in C.C No.127/2013 of the Judicial First Class Magistrate Court I, Thiruvananthapuram. 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 on the complaint of one Neelima who is the 3rd 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.127/2013 of the Judicial First Class Magistrate Court I, Thiruvananthapuram 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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