

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4796 of 2015

CC NO. 1090/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM

PETITIONER/ACCUSED :-

**PRASANTHAN, AGED 45 YEARS,
S/O.BALAN,
NADUPARAMBIL HOUSE,
PUTTEKKARA,
THRISSUR DISTRICT.**

BY ADV. SRI.P.P.BIJU

RESPONDENTS/STATE & COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. HONEY, AGED 38 YEARS,
D/O.ANANDAN,
CHARUVIL HOUSE,
THALIKULAM VILLAGE,
THAMBANKADAVU DESOM,
THRISSUR DISTRICT.**

**R1 BY SMT. V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.ANISH PAUL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 4796 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I - CERTIFIED COPY OF THE FINAL REPORT DATED 31.05.2012
 IN C.C.NO.1090/2012 OF JUDICIAL FIRST CLASS MAGISTRATE
 COURT, KUNNAMKULAM.**

**ANNEXURES II - ORIGINAL OF THE AFFIDAVIT SWORN BY THE SECOND
 RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4796 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.1090 of 2012 of the Judicial First Class Magistrate Court, Kunnamkulam, Thrissur. 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 494, 498(A) and 34 of the Indian Penal Code on the complaint of one Honey, 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further 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, and I am satisfied that the parties are now on quite cordial terms. 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.

3. It is not known how cognizance happened to be taken under Section 494 IPC, when there is bar of cognizance under the law. Anyway, the parties have now settled the whole dispute. The victim has already obtained divorce from the petitioner and all her claims stand settled.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.1090 of 2012 of the Judicial First Class Magistrate Court, Kunnamkulam, Thrissur 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

rkj

//TRUE COPY//

P.A. TO JUDGE