

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4853 of 2015

CC NO.651/2012 OF JUDICIAL FIRST CLASS COURT-I, ALUVA

CRIME NO. 1103/2012 OF THRIKKAKARA POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED :-

**PRATHEESH MOHANA KRISHNAN, AGED 38 YEARS,
S/O. MOHANA KRISHNAN, THRIKKARTHIKA HOUSE,
AALUMCHUVADU BHAGAM, PAZHAYANNOOR, KADATHOOR DESOM,
PAZHAYANNOOR VILLAGE, THRISSUR.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE, CW1 :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. PARVATHY JAYARAM, AGED 30 YEARS,
D/O. JAYARAM, PORADY HOUSE, NEAR SKVS SCHOOL,
PONAKAMMURIYIL, AALUMMOODU, MAVELIKARA,
THEKKEKARA VILLAGE, ALAPPUZHA - 688 014.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.R.RAJASEKHARAN PILLAI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 4853 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 - THE TRUE COPY OF THE CHARGE SHEET IN CC NO. 651/2012 ON
THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
THRIKKAKARA.**

**ANNEXURE A2 - AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4853 of 2015

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Dated this the 30th day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.651 of 2012 of the Judicial First Class Magistrate Court-I, Aluva. 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 498(A) of the Indian Penal Code on the complaint of one Parvathy Jayaram, 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 further proceedings 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.651 of 2012 of the Judicial First Class Magistrate Court-I, Aluva 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