

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Cr1.MC.No. 5007 of 2015  
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IN CC 390/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT  
I, KASARAGOD  
CRIME NO. 38/2015 OF KASARAGOD POLICE STATION, KASARGOD

PETITIONER/ACCUSED:  
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REMESHA.M, AGED 40 YEARS,  
S/O.VENKAPPA NAIK, ARTHALA HOUSE,  
KAPLAKATTA,  
VIDYANAGAR,  
KASARAGOD DISTRICT.

BY ADV. SRI.K.P.HARISH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT (CW1):  
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1. STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.
2. SANTHA.S, AGED 27 YEARS,  
W/O.REMESHA.M,  
R/AT KASARAGOD FIRE STATION QUARTERS,  
KARANDDAKAD, KASBA VILLAGE,  
KASARAGOD TALUK AND DISTRICT.

R2 BY ADV. KUM.K.SASIKALA  
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 5007 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR AND FI STATEMENT IN CRIME NO.38/2015  
DATED 13.1.2015 OF KASARAGOD POLIE STATION.

ANNEXURE A2: COPY OF THE FINAL REPORT DATED 27.1.2015 IN CRIME  
NO.38/2015 OF KASARAGOD POLICE STATION.

ANNEXURE A3: COPY OF THE AFFIDAVIT DATED 31.7.2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.5007 of 2015**  
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Dated this the 5<sup>th</sup> day of August, 2015

**O R D E R**

The petitioner herein is the sole accused in C.C No.390/2015 of the Judicial First Class Magistrate Court I, Kasaragod. 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 323 and 324 of the Indian Penal Code on the complaint of one Santha who is the 2<sup>nd</sup> 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.390/2015 of the Judicial First Class Magistrate Court I, Kasaragod 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**

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