

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Crl.MC.No. 5144 of 2015

CC 323/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PALAKKAD

CRIME NO. 165/2009 OF KUZHALMANNAM POLICE STATION , PALAKKAD

PETITIONER/ACCUSED :-

**SUDEVAN, AGED 45 YEARS,
S/O.KANDAN, PANNIKKODE, THONIKKAD,
KANNADI, PALAKKAD.**

BY ADV.SRI.P.K.NIJOY

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUMATHI, W/O.SUDEVAN, AGED 34 YEARS,
PADINHARETHARA, MANDAPAMKODAM,
KOTTARAPPADY, KUZHALMANNAM,
ALATHUR TALUK, PALAKKAD - 678 541.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.MAHESH V.MENON**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5144 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- CERTIFIED COPY OF THE FIR IN CRIME NO.165 OF 2009 DATED
10.07.2009 OF KUZHALMANNAM POLICE STATION.**

**ANNEXURE A2 :- CERTIFIED COPY OF FINAL REPORT IN CRIME NO.165 OF 2009
SUBMITTED BEFORE THE JFCM COURT-I, PALAKKAD.**

**ANNEXURE A3 :- TRUE COPY OF THE AFFIDAVIT DATED 03.08.2015 OF THE 2ND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====

Crl.M.C.No.5144 of 2015

=====

Dated this the 7th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.323 of 2009 of the Judicial First Class Magistrate Court-I Palakkad. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. The case now stands transferred to the register of long pending case as L.P.No.84 of 2015. Crime in this case was registered under Section 498A of the Indian Penal Code on the complaint of one Sumathi, 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.

3. The victim's affidavit shows that she has reunited with her husband, and they are now leading a happy matrimony. In such circumstances, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in L.P.No.84 of 2015 of the Judicial First Class Magistrate Court-I Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE