

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5323 of 2015

CC 303/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ATTINGAL

CRIME NO. 1439/2013 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :-

**P.DILEEP, AGED 47 YEARS,
S/O. PRABHAKARAN DEEPAM,
VELAARKUDI, RAMACHAMVILA DESOM,
ATTINGAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S)/STATE OF DEFACTO/COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. PRIYA. V, AGED 37 YEARS, D/O. OMANA, DEEPAM,
VELAARKUDI, RAMACHAMVILA DESOM,
ATTINGAL VILLAGE, THIRUVANANTHAPURAM DISTRICT-695 141.**

**R1 BY SMT. V.H.JASMINE, GOVERNMENT PLEADER
R2 BY ADV. SRI.LOWEL CHERIAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5323 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FINAL REPORT IN CRIME NO.1439/13 OF THE
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM DISTRICT.**

ANNEXURE A2: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5323 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.303 of 2014 of the Judicial First Class Magistrate Court-I, Attingal. 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 of the Indian Penal Code and Section 31 of the PWDV Act on the complaint of one Priya, 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 the whole matrimonial dispute, which led to the alleged incident stands resolved forever. A connected prosecution under Section 498A IPC also stands quashed on settlement.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.303 of 2014 of the Judicial First Class Magistrate Court-I, Attingal 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