

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 5780 of 2015

CRIME NO. 974/2013 OF MATTANNUR POLICE STATION , KANNUR
IN C.C. NO.3771/2014 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, MATTANNUR

PETITIONER/ACCUSED:

PRASAD K, AGED 37 YEARS,
S/O.SREEMANUKURUP, SURABHI, P.O.URUVACHAL,
MATTANNUR, KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS/COMPLAINANT/STATE:

1. MAYA V.M, AGED 34 YEARS,
D/O.RAGHAVAN, KALATHETHU VEEDU, MATTANNUR P.O,
KANNUR DISTRICT 670 702
2. S.I OF POLICE,
MATTANNUR POLICE STATION,
KANNUR DISTRICT 670 702.
3. STATE
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031.

R1 BY ADV. SRI.P.NANDAKUMAR (CLT)
R2 & R3 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5780 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A1: COPY OF THE CHARGE IN CR.NO.974/2013 OF MATTANNUR POLICE
STATION

AII: COPY OF THE AFFIDAVIT SWORN IN BY THE 1ST RESPONDENT

AIII: COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE
PETITIONER AND THE 1ST RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5780 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioner herein is the accused in C.C No.3771/2014 of the Judicial First Class Magistrate Court, Mattannur. 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 498A, 377, 323, 420 and 406 of the Indian Penal Code on the complaint of one Maya who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole dispute stands resolved forever, and nothing remains to be settled. It is submitted that the parties have already filed an application for divorce under Section 13B of the Hindu Marriage Act, and thus decided to part ways.

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.3771/2014 of the Judicial First Class Magistrate Court, Mattannur 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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