

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

CrI.MC.No. 6040 of 2015 ()

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CC 852/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, HARIPAD
CRIME NO. 393/2014 OF KANAKAKUNNU POLICE STATION , ALAPPUZHA DISTRICT
=====**

PETITIONER/ACCUSED:

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PRAVEEN C., AGED 31 YEARS
S/O.CHANDRANSEKHARAN
NIRMALYAM (PAZHAYATTU) PUTHIYAVILA MURI
KANDALLOOR VILLAGE, KARTHIKAPPALLY TALUK**

**BY ADVS.SRI.S.SANAL KUMAR
SRI.M.T.SURESHKUMAR
SMT.T.J.SEEMA
SMT.BHAVANA VELAYUDHAN**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA ERNAKULAM, KOCHI - 682 031.**

**2. JAYASREE M. KRISHNAN
AGED 28 YEARS, D/O.GOPALAKRISHNA PILLAI
SREE NILAYAM NOORANADU P.O, PALLICKAL MURI
PALLICKAL VILLAGE, MAVELIKARA TALUK, PIN -690 504.**

**BY SMT. ANJALI G.KRISHNAN
BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**A1 - TRUE COPY OF THE FINAL REPORT IN CRIME NO.393/2004 OF
KANAKAKKUNNU POLICE STATION DATED 01.07.2014**

**A2 – TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
20.06.2015**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6040 of 2015

Dated this the 9th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C. No.852/2014 of the Judicial First Class Magistrate Court-I, Haripad. 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 498-A and 406 IPC, on the complaint of one Jayasree G. Krishnan, 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. The parties have decided to part ways, and they have accordingly decided to file a joint application for divorce in the Family Court under Section 13B of the Hindu Marriage Act. It is submitted that the dues also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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. 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 petitioners herein in C.C. No.852/2014 of the Judicial First Class Magistrate Court-I, Haripad 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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