

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6189 of 2015 ()

**CC 1085/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 569/2012 OF PAYANGADI POLICE STATION , KANNUR**

PETITIONER/ACCUSED:

**MANOJ KIZHAKKEPATH, AGED 41 YEARS,
S/O.NARAYANAN, NEAR AJAYAKHOSH VAYANASALA, VENGARA,
VENGARA P.O., KANNUR TALUK AND DISTRICT.**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
(SUB INSPECTOR OF POLICE PAYANGADI POLICE STATION
CRIME NO.569/2012) REPRESENTED BY THE PUBLICPROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. PRAVEENA KUTHIRUMMAL, AGED 30 YEARS,
D/O.LEELA, KUTHIRUMMAL KALASAKKARAN HOUSE, KUTHIRUMMAL,
KUNHIMANGALAM, KUNHIMANGALAM P.O.
KANNUR TALUK AND DISTRICT, PIN – 671 001.**

**R2 BY ADV. SRI.SAJU J PANICKER
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6189 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

- ANNEXURE A1.** TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
- ANNEXURE A2.** TRUE COPY OF THE FIR AND FI STATEMENT IN CRIME NO.569/2012 OF PAYANGADI POLICE STATION.
- ANNEXURE A3.** CERTIFIED COPY OF THE CHARGE SHEET DATED 10.09.12 IN CRIME NO.569/2012 OF PAYANGADI POLICE STATION.
- ANNEXURE A4.** TRUE COPY OF THE DECREE OF DIVORCE GRANTED BY HON'BLE FAMILY COURT, KANNUR.
- ANNEXURE A5.** THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6189 of 2015

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Dated this the 15th day of September, 2015

ORDER

The petitioner herein is the accused in C.C.No.1085 of 2012 of the Judicial First Class Magistrate Court, Payyannur. 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 Section 498A of the Indian Penal Code on the complaint of one Praveena Kuthirummal, 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 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by decree. She has no grievance or complaint now, and all the dues stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.1085 of 2012 of the Judicial First Class Magistrate Court, Payyannur 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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//TRUE COPY//

P.A. TO JUDGE