

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Cr1.MC.No. 6462 of 2015

IN LPC 29/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KUTHUPARAMBA
CRIME NO. 145/2006 OF KUTHUPARAMBA POLICE STATION, KANNUR

PETITIONER/ACCUSED:

C.ASKAR, AGED 42 YEARS,
S/O.KHADER, CHONIKKANTAVIDE VEETTIL,
POYNAD AMSOM.
PATHIRIYAD DESOM, THALASSERY, KANNUR (DIST) .

BY ADVS.SMT.K.DEEPA (PAYYANUR)
SRI.V.R.NASAR

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. A.ZEENATH, AGED 34 YEARS.
D/O.AHMMADKUTTY, 'SAFARINAS',
PINARAYI AMSOM DESOM
THALASSERY, KANNUR (DIST) .

R2 BY ADV. SMT.CELINE JOSEPH
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6462 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-I: COPY OF THE FIR OF CRIME NO.145/2006 OF THE
KUTHUPARAMBA POLICE STATION, KANNUR.

ANNEXURE-II: COPY OF THE FINAL REPORT OF CRIME
NO.145/2006 OF THE KUTHUPARAMBA POLICE STATION.

ANNEXURE-III: COPY OF THE AGREEMENT BETWEEN THE
PETITIONER, ALONG WITH OTHER ACCUSED, AND THE DE-FACTO
COMPLAINANT.

ANNEXURE-IV: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6462 of 2015

Dated this the 1st day of October, 2015

O R D E R

The petitioner herein is the original first accused in Crime No.145/2006 of the Kuthuparamba Police Station, Kannur, involving the offence under Section 498A of the Indian Penal Code. The accused Nos.2 to 4 were acquitted by the trial court, on trial. The case against the petitioner herein was split up and refiled when he absconded, and it is now pending in the register of long pending cases as L.P.C No.29/2011 before the Judicial First Class Magistrate Court, Kuthuparamba. The petitioner now seeks orders quashing the prosecution on the ground of amicable settlement of the dispute out of court. The second respondent herein is the defacto complainant and the victim. She has filed affidavit to the effect that the whole dispute with the accused now stands settled, and she has no grievance or complaint now. I find that the others were acquitted by the trial court on the basis of settlement, and the evidence adduced accordingly. The victim's affidavit shows that the marriage stands dissolved in terms of the settlement arrived at.

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 further prosecution will not serve any purpose in such a circumstance of amicable settlement. The whole matrimonial dispute stands resolved forever, the marriage stands dissolved, and the victim has received all her dues from the petitioner. 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 L.P.C No.29/2011 before the Judicial First Class Magistrate Court, Kuthuparamba 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.

**P.UBAID
JUDGE**

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