

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 6469 of 2015

C.C.NO. 1895/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MANNARKAD

CRIME NO. 276/2013 OF AGALI POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED :-

1. MANIKANTAN, AGED 31,
S/O.PUSHPANGADHAN, 3/62-4,
KALIYIKKAL VEETIL,
KARAMADA MAIN ROAD,
METTUPALAYAM, COIBATORE.
2. PUSHPANGADHAN, AGED 68,
3/62-4, KALIYIKKAL VEETIL,
KARAMADA MAIN ROAD,
METTUPALAYAM, COIBATORE.
3. AMMUKUTTY, AGED 60,
3/62-4, KALIYIKKAL VEETIL,
KARAMADA MAIN ROAD,
METTUPALAYAM, COIBATORE.

**BY ADVS.SRI.SEBIN THOMAS
SRI.VIVEK V. KANNANKERI**

RESPONDENTS/COMPLAINANTS :-

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
AGALI POLICE STATION,
AGALI, PALAKKAD DISTRICT, PIN - 678 581.
3. NISHA, D/O.SASIDHARAN, AGED 28,
SASI VILASAM, CHITTOOR,
P.O. AGALI, PALAKKAD DISTRICT, PIN - 678 581.

**R BY SMT.MT.SHEEBA, PUBLIC PROSECUTOR
R3 BY ADVS. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE I : TRUE COPY OF THE FINAL REPORT ALONG WITH FIR.

ANNEXURE II : TRUE COPY OF THE AFFIDAVIT DATED 30.09.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6469 of 2015
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Dated this the 5th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No.1895 of 2013 of the Judicial First Class Magistrate Court, Mannarkkad. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Section 498A of the Indian Penal Code on the complaint of one Nisha, who is the 3rd 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. 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 parties have rejoined in matrimony, and they are now leading a very happy married life. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1895 of 2013 of the Judicial First Class Magistrate Court, Mannarkkad will stand quashed under Section 482 of the Code of Criminal

Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE