

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 6497 of 2015 ()

**CC 1143/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM
CRIME NO. 410/2014 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE DISTRICT**
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PETITIONERS/ACCUSED:

- 1. MAHESH CHANDRAN, AGED 31 YEARS
S/O CHANDRAN, SIVANI, KUTHIRAVATTOM (PO)
POTTAMMAL, KOZHIKODE, PIN:673016.**
- 2. SUDHA P.P., AGED 61 YEARS
W/O CHANDRAN, SIVANI, KUTHIRAVATTOM (PO)
POTTAMMAL, KOZHIKODE, PIN:673016.**
- 3. CHANDRAN, AGED 66 YEARS
S/O RAMAN, SIVANI, KUTHIRAVATTOM (PO)
POTTAMMAL, KOZHIKODE, PIN:673016.**
- 4. NILEENA, AGED 37 YEARS
W/O SUNILKUMAR, VENGALIL HOUSE, CHEVAYUR (PO)
KOZHIKODE DISTRICT, PIN:673017.**
- 5. SUNIL KUMAR, AGED 46 YEARS
S/O LATE RAGHAVAN, VENGALIL HOUSE, CHEVAYUR (PO)
KOZHIKODE DISTRICT, PIN:673017.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENTS/COMPLAINANT AND STATE:

- 1. VIDYA, AGED 25 YEARS, D/O VENUE
EDAKKODANKANDY, VIDHYA NIVAS
KORAYANGADUTHERU, KOYILANDY (PO)
KOZHIKODE DISTRICT, PIN:673305.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SRI.G.ANEESH
R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A: TRUE COPY OF THE FIR IN CRIME NO.410/2014 OF MEDICAL COLLEGE POLICE.

ANNEXURE B: TRUE COPY OF THE FINAL REPORT DATED 23.8.2014 IN CRIME NO.410/2014 OF MEDICAL COLLEGE POLICE STATION WHICH IS NOW PENDING AS C.C.NO.1143/2014.

ANNEXURE C: TRUE COPY OF THE MEMORANDUM OF AGREEMENT ENTERED BETWEEN THE IST PETITIONER AND THE IST RESPONDENT DATED 8.9.2015.

ANNEXURE D: TRUE COPY OF THE AFFIDAVIT SWORN BY THE IST RESPONDENT DATED 8.9.2015.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6497 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C. No.1143/2014 of the Judicial First Class Magistrate Court, Kunnamangalam. 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 Sections 341, 323, 506(i), 406 and 498-A read with 34 IPC, on the complaint of one Vidya, who is the 1st 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. Her affidavit shows that the matter was referred to the District Mediation Centre, Calicut, where the whole matrimonial dispute was settled on effective mediation. It is submitted that the parties have parted ways in terms of the settlement. The petitioners have also produced copy of the mediation agreement. I am well satisfied that the whole dispute stands resolved forever, and that the claims of the victim 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.1143/2014 of the Judicial First Class Magistrate Court, Kunnamangalam 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

sd

// True Copy //

P.A. to Judge