

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. 6520 of 2015 ()

CRIME NO. 490/2013 OF NALLALAM POLICE STATION , KOZHIKODE DISTRICT

PETITIONER/ACCUSED :

**JIJESH.P., AGED 35 YEARS, S/O.GOPALAKRISHNAN NAIR,
PADINJARU VEETIL HOUSE, M.G.NAGAR, OLAVANA AMSOM,
IRINGALLUR DESOM, GURUVAYOORAPPAN COLLEGE.P.O.,
CALICUT, PIN-673 014**

BY ADV. SRI.C.K.RAMAKRISHNAN

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE :

- 1. PRIYANKA, AGED 27 YEARS, D/O.JAYAPRAKASAN,
VETTUVEDAN KUNNU, KUNNATHUPALAM, OLAVANNA AMSOM,
IRINGALLUR DESOM, GURUVAYOORAPPAN COLLEGE.P.O.,
CALICUT, PIN-673 014**
- 2. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
NALLALAM POLICE STATION, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SRI.M.I.JOHNSON

R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

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

sts

CRL.MC.NO.NO.6520/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX A1 THE CERTIFIED COPY OF THE FIR IN CRIME NO.490/2013 OF
NALLALAM POLICE STATION.**

ANNEX A2 THE AFFIDAVIT OF THE PETITIONER.

ANNEX A3 THE AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P. UBAID, J.

Crl.M.C.No.6520 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioner herein is the accused in C.C. No.319/2014 of the Judicial First Class Magistrate Court-V, Kozhikode. 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, 323 and 406 IPC, on the complaint of one Priyanka, 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 whole matrimonial dispute stands resolved forever, and that the victim has joined her husband in matrimony. They are now leading a very happy matrimonial life. 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 petitioner herein in C.C. No.319/2014 of the Judicial First Class Magistrate Court-V, Kozhikode 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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