

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 6545 of 2015

CC 21/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD

CRIME NO. 134/2008 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :-

**UNNIKRISHNAN P, AGED 44 YEARS,
S/O.CHANDU NAIR,
ANINHA PADINJAREPURA HOUSE,
PERUMBALA VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENTS/RESPONDENTS :-

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
COCHIN - 682 031.**
- 2. VASANTHI @ VASANTHA, AGED 33 YEARS,
D/O.MUTHU NAIR, PUTHIYAPURA HOUSE,
PERUMBALA VILLAGE, KASARAGOD DISTRICT - 671 101.**

**R2 BY ADV. SRI.S.U.NAZAR
R1 BY SMT SHEEBA M.T, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.134/2008 OF
KASARAGOD POLICE STATION DATED 22.02.2008.**

**ANNEXURE A2 : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
29.7.2015**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6545 of 2015
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Dated this the 7th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.21 of 2012 of the Judicial First Class Magistrate Court-I, Kasaragod. 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 341, 354 and 324 of the Indian Penal Code on the complaint of one Vasanthi @ Vasantha, 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 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, and I am satisfied that the parties are now on quite cordial terms. 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.21 of 2012 of the Judicial First Class Magistrate Court-I, Kasaragod 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

rkj

//TRUE COPY//

P.A. TO JUDGE