

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. 6554 of 2015

IN CC 3083/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG

CRIME NO. 510/2013 OF CHEEMENI POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :-

**BINEESH ANTONY, AGED 32 YEARS,
S/O.M.J.ANTONY,
RESIDING AT MANTHADATHIL HOUSE,
VALIYAPOIL, KODAKKADU VILLAGE,
KASARAGOD DISTRICT**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE :-

- 1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
CHEEMENI POLICE STATION,
KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. BEENAMOL K., AGED 28 YEARS, D/O. MOLI,
RESIDING AT CHERUVILA PUTHAN VEEDU,
THURAVU, CHEEMENI VILLAGE, CHEEMENI P.O.,
HOSDURG TALUK, KASARAGOD DISTRICT - 671 313.**

**R1 BY SRI. JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SMT.G.SANGEETHA**

**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 : THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.510/2013 OF
CHEEMENI POLICE STATION, KASARAGOD DISTRICT.**

**ANNEXURE A2 : THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.510/2013 OF CHEEMENI POLICE STATION,**

**ANNEXURE A3 : THE AFFIDAVIT DATED 22.8.2015 SWORN IN BY THE 2ND
RESPONDENT.**

**ANNEXURE A4 : THE TRUE CERTIFIED COPY OF THE MEMO OF EVIDENCE IN
CRIME NO.510/2013 OF CHEEMENI POLICE STATION,
KASARAGOD DISTRICT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6554 of 2015
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Dated this the 7th day of October, 2015

ORDER

The petitioners herein are the two accused in C.C.No.3083 of 2013 of the Judicial First Class Magistrate's Court-I, Hosdurg. 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 498A, 420 and 406 read with Section 34 of the Indian Penal Code on the complaint of one Beenamol, 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.

3. The victim's affidavit shows that the parties have decided to part ways in terms of the settlement, and that they have agreed to file a joint application for divorce before the Family Court. All the dues also stand settled. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.3083 of 2013 of the

Judicial First Class Magistrate's Court-I, Hosdurg 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

rkj

//TRUE COPY//

P.A. TO JUDGE