

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Crl.MC.No. 6573 of 2015 ()

**C.C.NO. 613/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT.,PAYYANNUR
CRIME NO. 40/2013 OF PARIYARAM MEDICAL COLLEGE POLICE STATION , KANNUR**

PETITIONER/ACCUSED:

**SHAJI P., AGED 35 YEARS, S/O. MUKUNDAN,
VELLUR AMSOM, KANDOTH DESOM, TALIPARAMBA TALUK.**

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA (SUB INSPECTOR OF POLICE,
PARIYARAM MEDICAL COLLEGE POLICE STATION, CRIME NO. 40/2013)
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. K. SUGATHA, AGED 23 YEARS, D/O. THAMBAN, PERINTHATTA AMSOM,
ARAVANCHAL, TALIPARAMBA TALUK, KANNUR DISTRICT – 691 001.**

**R2 BY ADV. SRI.SAJU J PANICKER
R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE:

- ANNEXURE A1:** THE TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
- ANNEXURE A2:** TRUE COPY OF THE FIR AND FI STATEMENT IN CRIME NO. 40/2013 OF PARIYARAM MEDICAL COLLEGE POLICE STATION.
- ANNEXURE A3:** TRUE COPY OF THE CHARGE SHEET DATED 03.05.2013 IN CRIME NO. 40/2013 OF PARIYARAM MEDICAL COLLEGE POLICE STATION.
- ANNEXURE A4:** TRUE COPY OF THE AGREEMENT DATED 21.08.2015.
- ANNEXURE A5:** THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6573 of 2015

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Dated this the 8th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.613 of 2013 of the Judicial First Class Magistrate Court, Payyannur. 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 Section 498A of the Indian Penal Code on the complaint of one K.Sugatha, 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. 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 whole matrimonial dispute stands resolved forever. It is submitted that the parties have parted ways in terms of the settlement, and all the dues also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.613 of 2013 of the Judicial First Class Magistrate Court, Payyannur 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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//TRUE COPY//

P.A. TO JUDGE