

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Crl.MC.No. 6653 of 2015

**S.T.NO.2905/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KODUNGALLUR**

CRIME NO. 481/2015 OF VALAPPAD POLICE STATION, THRISSUR

PETITIONER/ACCUSED :-

**DURGADATHAN, S/O.VIJAYAN, AGED 40,
KOLLARA HOUSE, PERINJANAM DESOM & VILLAGE.**

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENTS/DE-FACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE S.I. OF POLICE,
VALAPPAD - 680 567.**
- 2. SUMATHY, W/O.BABU SUBHASH CHANDRAN,
AGED 63 YEARS, ANTHIKKAD HOUSE,
PALAPPETTY KIZHAKKE VALAVU DESOM,
VALAPPAD VILLAGE - 680 567.**

**R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR
R2 BY ADVS. SRI.M.SUKUMARAN
SRI.KIRAN R MEMON**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE A : THE CERTIFIED COPY OF THE FIR IN CRIME NO. 481/2015 DATED 24.05.2015.

ANNEXURE B : THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.481/2015 DATED 28.05.2015.

ANNEXURE C : THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT HEREIN/DE-FACTO COMPLAINANT DATED 09.10.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6653 of 2015
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Dated this the 12th day of October, 2015

ORDER

The petitioner herein is the sole accused in S.T.No.2905 of 2015 of the Judicial First Class Magistrate Court, Kodungallur. 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 448 and 427 of the Indian Penal Code on the complaint of one Sumathy, 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 defacto complainant is none other the mother-in-law of the petitioner. The complainant's affidavit shows that her daughter and the petitioner herein are now very happy in matrimony. I am well satisfied that if the present prosecution continues, it may affect the relationship between the petitioner and his wife.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.T.No.2905 of 2015 of the Judicial First Class Magistrate Court, Kodungallur 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