

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6732 of 2015

IN C.C 1308/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PAYYANNUR

CRIME NO. 445/2014 OF PAYANGADI POLICE STATION, KANNUR

PETITIONERS/ACCUSED 1 TO 3:

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1. P.V. DEEPESH, AGED 31 YEARS,
S/O.P.V.RAGHAVAN, PALAKKA VALAPPIL HOUSE,
NEAR CHINA CLAY, PAYANGADI R.S POST,
KANNUR 670 301.
 2. P.V.USHA, AGED 53 YEARS,
W/O.P.V.RAGHAVAN, PALAKKA VALAPPIL HOUSE,
NEAR CHINA CLAY, PAYANGADI R.S POST,
KANNUR 670 301.
 3. P.V.NIKESH, AGED 28 YEARS,
S/O.P.V.RAGHAVAN, PALAKKA VALAPPIL HOUSE,
NEAR CHINA CLAY, PAYANGADI R.S POST,
KANNUR 670 301.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.
 2. E.V.REMYA, AGED 25 YEARS,
D/O.GOPALAN E.V, EDAKKADU VALAPPIL HOUSE,
VENDHEEL,
KEEZHARA POST, KANNUR DISTRICT. 670 301.

R2 BY ADV. SRI.D. ANILKUMAR

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 15-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6732 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A. COPY OF THE POLICE CHARGE IN CC 1308 OF 2014
ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT
PAYYANNUR.

ANNEXURE B. COPY OF THE AFFIDAVIT DATED 19.9.15 OF THE
2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6732 of 2015

Dated this the 15th day of October, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1308/2014 of the Judicial First Class Magistrate Court, Payyannur. 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 Section 498A r/w 34 of the Indian Penal Code on the complaint of one Remya, 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 the prosecution 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have parted ways in terms of the settlement. Now they are living separately. I am satisfied that the claims of the victim also stand settled. Hence, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.1308/2014 of the Judicial First Class Magistrate Court, Payyannur 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.

**P.UBAID
JUDGE**

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