

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 7018 of 2015 ()

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CC 240/2014 of CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
CRIME NO. 1204/2014 OF TOWN NORTH POLICE STATION , PALAKKAD DISTRICT
=====**

PETITIONERS/ACCUSED NOS.1 TO 3:

- 1. PRAJITH.P, S/O. PRABHAKARAN NAIR
AGED 29 YEARS, NANDANAM APARTMENT
EDAYAR STREET, KALVAKULAM, PALAKKAD**
- 2. PRABHAKARAN NAIR, AGED 54 YEARS
S/O. VELU NAIR, NANDANAM APARTMENT
EDAYAR STREET, KALVAKULAM, PALAKKAD**
- 3. JATHEEJA, W/O. PRABHAKARAN NAIR
AGED 48 YEEARS, NANDANAM APARTMENT
EDAYAR STREET, KALVAKULAM, PALAKKAD**

**BY ADVS.SRI.M.PREMCHAND
SMT.SANDHYA DHARMARAJAN**

RESPONDENTS/COMPLAINANT & STATE:

- 1. RESHMI.R.NAIR, AGED 25 YEARS
D/O. RADHAKRISHNAN NAIR
NOTTIYATH HOUSE, GOKULAM
PERUR P.O., OTTAPALAM
PALAKKAD – 678056**
- 2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM**

**R1 BY ADV. SRI.C.S.SUMESH
R2 BY PUBLIC PROSECUTOR SMT. MADHUBEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.7018/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A COPY OF THE FIRST INFORMATION REPORT ALONG WITH THE
COMPLAINT FILED BY THE 1ST RESPONDENT BEFORE THE JFCM
COURT, OTTAPALAM**

**ANNEXURE B COPY OF THE FINAL REPORT SUBMITTED BY TOWN NORTH POLICE
BEFORE THE CJM COURT, PALAKKAD**

ANNEXURE C AFFIDAVIT SWORN IN BY THE 1ST RESPONDET

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7018 of 2015

Dated this the 2nd day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.240/2014 of the Chief Judicial Magistrate Court, Palakkad. 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 294-B, 323, 498-A read with 34 IPC, on the complaint of one Reshmi R. Nair, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever and the parties have decided to file a joint application for divorce under Section 13 B of the Hindu Marriage Act, in terms of the settlement arrived at. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.240/2014 of the Chief Judicial First Class Magistrate Court, Palakkad, 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

sd

// True Copy // P.A. to Judge