

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 7072 of 2015 ()

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CC 93/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 713/2012 OF PARIYARAM MEDICAL COLLEGE POLICE STATION, KANNUR
DISTRICT
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PETITIONERS/ACCUSED:

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- 1. K.V.JANISH, AGED 31 YEARS
S/O. LATE P.V.VASU, KOLAVAYAL
EZHOME AMSOM, KOTTILA, KANNUR DISTRICT.**
 - 2. E.PANKAJAM, AGED 57 YEARS
W/O. SUNDARAN, EDACHERIYAN HOUSE, EZHOME AMSOM
KOTTILA, KANNUR DISTRICT.**
 - 3. C.SURENDRAN, AGED 44 YEARS
S/O. LATE AMBADI, CHALAYIL HOUSE, PAYYANNUR AMSOM
KELOTH, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

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- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031**
 - 2. SHAIJI B., AGED 30 YEARS, D/O. VIJAYAN, ROJA VILLA
EZHILODE, KUNHIMANGALAM, KANNUR DISTRICT -670309**

**R2 BY ADV. SRI.S.R.SREEJITH
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- ANNEXURE A1-** **TRUE COPY OF THE F.I.R. IN CRIME NO. 713/2012 OF
PARIYARAM MEDICAL COLLEGE POLICE STATION, KANNUR
DISTRICT.**
- ANNEXURE AII-** **TRUE COPY OF THE FINAL REPORT FILED BY THE
INVESTIGATING OFFICER IN CRIME NO. 713/2012 OF
PARIYARAM MEDICAL COLLEGE POLICE STATION, KANNUR
DISTRICT.**
- ANNEXURE AIII-** **TRUE COPY OF THE SETTLEMENT AGREEMENT.**
- ANNEXURE AIV-** **TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING
OF THE OFFENCES AND THE SETTLEMENT OF THE DISPUTES.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7072 of 2015

Dated this the 12th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C.No.93/2013 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 IPC, on the complaint of one Shaiji, 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 disputes stand resolved forever, and that the parties have filed a joint application for divorce under Section 13B of the Hindu Marriage Act, in terms of the settlement arrived at. The claims also stand settled. 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.93/2013 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.

Sd/-
P. UBAID, JUDGE

sd12/11

// True Copy //

P.A. to Judge