

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cr1.MC.No. 7075 of 2015

CRIME NO. 593/2013 OF HOSDURG POLICE STATION, KASARGOD

PETITIONER/ACCUSED:

NARAYANANKUTTY,
PUTHIYAKANDAM,
AJANOR GRAMAM,
KASARAGOD DIST.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/DE-FACTO COMPLAINANTS & STATE:

1. ASHA V.K., AGED 32 YEARS,
W/O. NARAYANANKUTTY, PUTHIYAKANDAM,
AJANOR GRAMAM,
KASARAGOD DISTRICT-671531.
2. THANKAMANI V.V, AGED 57 YEARS,
W/O. KUNJIRAMAN, RAJEEVAM, MALIKKAL,
PULLUR GRAMAM, KASARAGOD DIST-671531.
3. STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
KASARAGOD DIST-671315.
4. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM-682031.

R1-2 BY ADV. SMT.MARY RANZOM LOUIZ

R3 & R4 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 13-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7075 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1- COPY OF THE FIR IN CRIME NO. 593/2013 OF THE
HOSDURG POLICE STATION DT. 9-5-2013.

ANNEXURE A2- COPY OF THE CHARGE SHEET FILED BY THE
HOSDURG POLICE.

ANNEXURE A3- THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT
AND 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7075 of 2015

Dated this the 13th day of November, 2015

O R D E R

The petitioner herein is accused in C.C No.700/2015 of the Judicial First Class Magistrate Court II, Hosdurg. 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 341, 323, 324 and 506(ii) of the Indian Penal Code on the complaint of one Asha who is the first 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 first respondent is none other than the wife of the petitioner herein and the second respondent is her mother. The affidavit of the respondents convinces this Court that the whole problem between them stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.700/2015 of the Judicial First Class Magistrate Court II, Hosdurg 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//