

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Cr1.MC.No. 7147 of 2015

IN CC 807/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PAYYANNUR

CRIME NO. 827/2012 OF PERINGOME POLICE STATION, KANNUR

PETITIONERS/ACCUSED:

1. RAJESH N.E, AGED 30 YEARS,
S/O.A.RAMACHANDRAN, NELLUR EDABAPRATH, ALAKADU,
KANKOL P.O, KANKOL AMSOM, KANNUR DISTRICT.
2. A.RAMACHANDRAN, AGED 60 YEARS,
S/O.CHINDAN NAMBIAR, AVARONTHAN VEETIL, ALAKAD,
KANKOL AMSOM, KANNUR DISTRICT.
3. PADMAKSHI N.E, AGED 50 YEARS,
W/O.RAMACHANDRAN, ALAKAD, KANKOL AMSOM,
P.O KANKOL, KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN

SRI.A.ARUNKUMAR

RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.
2. KAVYA K.K, AGED 21 YEARS,
D/O.KUNHIKANNAN, KARIPPAL KALLAMBALLI,
VELLORA AMSOM AND DESOM, KANNUR DISTRICT. 670 001.

R2 BY ADV. SRI.S.R.SREEJITH

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1. COPY OF THE FIR IN CRIME 827/12 OF PERINGOME
POLICE STATION, KANNUR DISTRICT.

ANNEXURE A1I. COPY OF THE COMPLAINT FILED BY THE SECOND
RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
PAYYANNUR.

ANNEXURE A1II. COPY OF THE FINAL REPORT FILED BY THE
INVESTIGATING OFFICER IN CRIME NO.827/12 OF PERINGOME POLICE
STATION, KANNUR DISTRICT.

ANNEXURE A1V. 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' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7147 of 2015

Dated this the 16th day of November, 2015

O R D E R

The petitioners herein are the three accused in C.C No.807/2013 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 Sections 498A and 108 r/w 34 of the Indian Penal Code on the complaint of one Kavya who is the second 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 further 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 claims also stand settled. It is submitted that the marriage also stands dissolved now in terms of the settlement. In such a situation, 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.807/2013 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

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