

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

Crl.MC.No. 7231 of 2015

C.C. No.504/2014 OF C.J.M.,KASARAGOD

PETITIONER:

**GANESHKUMAR @ KUMARAN, AGED 41 YEARS,
S/O. KRISHNAN, R/AT ULLOOJI HOUSE, ARAMANGANAM,
KALANAD P.O, CHEMMANAD VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI. KODOTH SREEDHARAN

RESPONDENT(S):

- 1. STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER KASARAGOD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. NALINAKUMARI, AGED 36 YEARS,
D/O. BOLAN, R/AT, PERILAVALAPPU HOUSE,
UDUMA P.O, UDMA VILLAGE, HOSDURG,
KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA.M.T.
R2 BY ADV. SMT. C.H.ABEENA**

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

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: COPY OF THE COMPLAINT BEFORE THE CHIEF
JUDICIAL MAGISTRATE KASARAGOD DATED 15.02.2012.**

ANNEXURE II: COPY OF THE AGREEMENT DATED 24.09.2015.

ANNEXURE III: COPY OF THE AFFIDAVIT DATED 19.10.15.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

P. UBAID, J

Crl.M.C. No. 7231 OF 2015

Dated this the 16th day of November, 2015

ORDER

The petitioner herein is the accused in C.C. No.504/2014 of the Chief Judicial Magistrate's Court, Kasargod. 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 406, 420, 498 (A) and 324 of IPC on the complaint of one Nalinakumari 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings/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.

3. The victim's affidavit shows that the whole matrimonial disputes stands resolved for ever and the victim has joined her husband in matrimony. It is

submitted that they are leading a very happy married life. In such situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C. No.504/2014 of the Chief Judicial Magistrate's Court, Kasaragod 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