

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Crl.MC.No. 7305 of 2015

CC 837/2010 OF J.M.F.C.-I, VADAKARA

CRIME NO. 319/2010 OF VATAKARA POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED :-

**RAJMOHAN NAIR, AGED 47 YEARS,
S/O.C.K.NAIR, RESIDING AT VRINDAVAN HOUSE,
MOOLAKANDAM, ANANDASRAM,
KANHANGAD P.O., KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE :-

- 1. THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
VADAKARA POLICE STATION,
KOZHIKODE DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SANDHYA, AGED 38 YEARS,
D/O.SREEDHARAN NAMBIAR,
RESIDING AT DHARSANA, CHERODE,
CHERODE POST, CHERODE VILLAGE,
VADAKARA TALUK,
KOZHIKODE DISTRICT - 673 101.**

R2 BY ADV. SMT.ASMI.V.A.

R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7305 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE-A1: THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.319/2010 OF VADAKARA POLICE STATION.

ANNEXURE-A2: THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.319/2010 OF VADAKARA POLICE STATION.

ANNEXURE-A3: THE AFFIDAVIT DATED 20.10.2015 SWORN IN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. T O JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7305 of 2015
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Dated this the 19th day of November, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.837 of 2010 of the Judicial First Class Magistrate's Court-I, Vadakara. 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 498 (A), 494 and 406 of the Indian Penal Code on the complaint of one Sandhya, 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 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by a decree of the family court. The claims also stand settled. In such a 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.837 of 2010 of the Judicial First Class Magistrate's Court-I, Vadakara 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

rkj

//TRUE COPY//

P.A. TO JUDGE