

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

CrI.MC.No. 7518 of 2015 ()

IN CC 2861/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT.II,TRIVANDRUM

CRIME NO. 1570/2013 OF FORT POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 & 2:

- 1. DEEPAK V. NAIR AGED 32 YEARS**
S/O.VIKRAMAN NAIR, T.C.NO.6/940(2), YOGESWARI LANE
MANJAADIMOODU, VATTIYOOKAVU, THIRUVANANTHAPURAM.
- 2. PRADEEP KARTHIKEYAN AGED 36 YEARS**
S/O.KARTHIKEYAN, T.C.NO.6/940(2)
MANJADIMOODU JUNCTION, KAJIRAMPARA WARD
VATTIYOOKAVU VILLAGE, THIRUVANANTHAPURAM.

BY ADVS.SRI.D.AJITHKUMAR
SRI.D.JEEVAN

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
- 2. ASSISTANT COMMISSIONER OF POLICE**
FORT SUB DIVISION, THIRUVANANTHAPURAM CITY.-695 001.
- 3. NAVEENA B.NAIR, AGED 26 YEARS**
D/O.BHUVANACHANDRAN PILLAI, SREEKANDA, TC.NO.11/154(4)
HOUSE NO.23, KOWDIYAR.P.O.
THIRUVANANTHAPURAM.695 023.

R3 BY ADV. DR.K.P.PRADEEP
R1 & R2 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7518 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A:** COPY OF THE F.I.R IN CRIME NO.1570 OF 2013 BY THE FORT POLICE, THIRUVANANTHAPURAM.
- ANNEXURE B:** COPY OF THE FINAL REPORT IN CRIME NO.1570 OF 2013 BY THE FORT POLICE, THIRUVANANTHAPURAM.
- ANNEXURE C:** COPY OF THE MEDIATION REPORT IN M.C.NO.15 OF 2014, JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM DATED 5.11.2015.
- ANNEXURE D:** AFFIDAVIT OF THE DE-FACTO COMPLAINANT WHO IS THE 3RD RESPONDENT HEREIN DATED 23.11.2015.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A.TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7518 of 2015

Dated this the 30th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.2861/2014 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram. 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 498-A and 34 IPC, on the complaint of one Naveena B Nair, who is the 3rd 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 dispute stands resolved forever. It is submitted from both sides that the parties have parted ways in terms of the settlement, and they have filed a joint application for divorce in terms of the settlement. The claims also stand settled. In such a situation, it is appropriate that the pending 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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.2861/2014 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram 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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// True Copy //

P.A. to Judge