

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Crl.MC.No. 7704 of 2015 ()

**CC.NO. 426/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 827/2013 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT**

PETITIONER/ACCUSED :

**JAMINI.M., AGED 39 YEARS,
S/O.MURUGAN, KUDASSERY HOUSE, PERUMBALLY,
VALIYADIKKAL P.O, ALLAPPUZHA DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT(S)/COMPLAINANT :

- 1. SUMATHI, AGED 32 YEARS,
W/O.JAMINI, KELOTH HOUSE,
NEAR DIVYA THEATRE, PAYYANUUR,
KANNUR DISTRICT**
- 2. STATE OF KERALA,
REPRESENTED BY THE S.I OF POLICE,
(CRIME 827/13) PAYYANNUR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.N.K.MANOJ KUMAR
R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 7704 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX 1:- A CERTIFIED COPY OF THE FINAL REPORT IN CC.426/2014 PENDING
ON THE FILE OF JFCM COURT, TRIPUNITHURA.**

**ANNEX II: AFFIDAVIT SWORN BY R1 THE DEFACTO COMPLAINANT IN
ANNEXURE-1**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

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Crl. M.C No.7704 of 2015
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Dated this the 9th day of December, 2015

ORDER

The petitioner herein is the sole accused in C.C No.426/2014 of the Judicial First Class Magistrate Court, Payyannur. 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 498A and 324 of the Indian Penal Code on the complaint of one Sumathi, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. Her affidavit shows that whole matrimonial dispute stands resolved for ever. It is submitted that she has joined her husband, and they are now leading a very happy matrimonial life. In such a situation, it is appropriate that the 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 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.426/2014 of the Judicial First Class Magistrate Court, Payyannur 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