

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

CrI.MC.No. 7936 of 2015 ()

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CC 393/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT- I, OTTAPPALAM
CRIME NO. 914/2014 OF SREEKRISHNAPURAM POLICE STATION, PALAKKAD
DISTRICT
=====**

PETITIONER/ACCUSED:

**MANOJ, AGED 32 YEARS
S/O.KUTTIKRISHNA GUPTHAN, MANNATTIL HOUSE
SREEKRISHNAPURAM, OTTAPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DHANYA, W/O.LATE UNNIKRISHNAN, D/O.KUTTIRISHNA GUPTHAN
LATHA NIVAS, CHERAD HOUSE, MALAMPUZHA
NOW RESIDING AT MANNATTIL HOUSE
SREEKRISHNAPURAM, OTTAPALAM TALUK, PALAKKAD DISTRICT
PIN-679 513.**

**R2 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE A1 :** COPY OF THE STATEMENT OF RW2 GIVEN TO THE POLICE UNDER SECTION 161 CRPC DURING THE INVESTIGATION OF THE CRIME NO.914/2014 SREEKRISHNAPURAM POLICE STATION.
- ANNEXURE A2 :** COPY OF THE CHARGE SHEET SUBMITTED BY THE POLICE IN CRIME NO.914/2014 SREEKRISHNAPURAM POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, OTTAPALAM.
- ANNEXURE A3 :** COPY OF THE MEMORANDUM OF EVIDENCE SUBMITTED BY THE POLICE IN THE CRIME NO.914/2014 SREEKRISHNAPURAM POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, OTTAPALAM.
- ANNEXURE A4 :** AFFIDAVIT DT 15-12-2015 SWORN TO AND EXECUTED BY THE DEPONENT/2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7936 of 2015

Dated this the 21st day of December, 2015

O R D E R

The petitioner herein is the accused in C.C.No.393/2015 of the Judicial First Class Magistrate Court-I, Ottapalam. 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 323, 341 and 506(ii) IPC, on the complaint of one Dhanya, 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.393/2015 of the Judicial First Class Magistrate Court-I, Ottapalam 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

sd

// True Copy //

P.A. to Judge