

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Cr1.MC.No. 7959 of 2015

AGAINST C.C NO.367/2014 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT IV, KOZHIKODE
CRIME NO.539/2013 OF THE NADAKKAVU POLICE STATION,
KOZHIKODE.

PETITIONER/ACCUSED:

SRAYAMKUMAR, AGED 44 YEARS,
S/O. KRISHNAN NAIR, 'SREYAS', ANNASSERY,
NOW RESIDING AT FLAT NO. 2A,
HAMTON MANOR, WEST HILL,
KOZHIKODE.

BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP

RESPONDENTS/COMPLAINANT & STATE:

1. VANDANA RAO, AGED 36 YEARS
D/O.NARAYANA RAO, 'PRATHEEKSHA',
WEST HILL CHUNGAM,
KOZHIKODE, NOW RESIDING AT 'GOWRI SANKAR,
BANK BAZAR,
PUTHIYANGADI, PAVANGADU, KOZHIKODE,
PIN 673 021

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI 682 031

R1 BY ADV. SRI.G.ANEESH
R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 22-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7959 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FIR IN CRIME NO 539/2013 OF
NADAKKAVU POLICE STATION.

ANNEXURE B: COPY OF THE FINAL REPORT DATED 07-03-2014 IN
CRIME NO 539/2013 OF NADAKKAVU POLICE STATION WHICH IS
NOW PENDING AS C.C NO 367/2014 ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-IV, KOZHIKODE.

ANNEXURE C: COPY OF THE AFFIDAVIT SWORN BY THE 1ST
RESPONDENT DATED 16-12-2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7959 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioner herein is the accused in C.C No.367/2014 of the Judicial First Class Magistrate Court, IV, Kozhikode. 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 and 498A of the Indian Penal Code on the complaint of one Vandana Rao who is the first 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 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have filed an application for divorce in terms of the settlement. The claims of the victim 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.367/2014 of the Judicial First Class Magistrate Court, IV, Kozhikode 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

//True Copy//

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