

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Cr1.Rev.Pet.No. 874 of 2015

AGAINST THE JUDGMENT IN Cr1.A NO.188/2011 of ADDL. SESSIONS JUDGE
I, THALASSERY DATED 26-02-2015

AGAINST THE JUDGMENT IN C.C 500/2008 of J.M.F.C.-II, KANNUR DATED
24-02-2011

REVISION PETITIONER/APPELLANT/ACCUSED:

P.C GIREESH KUMAR, AGED 51 YEARS,
S/O.KUNHIRAMAN, SARANGI NIVAS,
AZHIKODE AMSOM, NEAR MOLOLAM TEMPLE,
KANNUR.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.ASHIS

RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE OF KERALA:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. OLAKKAL SATHIDEVI, AGED 45 YEARS,
D/O.JANAKIAMMA, OLAKKAL HOUSE,
ONAPPARAMBA, P.O.NARATH,
KANNUR - 676 001.

R2 BY ADV. SRI.K.D.SREEVISAKH
R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJURAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.UBAID, J.

Crl.R.P No.874 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioner herein stands convicted and sentenced under Section 498A of the Indian Penal Code by the Judicial First Class Magistrate Court II, Kannur in C.C No.500/2008. Against the judgment of conviction dated 24.2.2011 he preferred appeal before the Sessions Court, Thalassery as Crl.A No.188/2011. In appeal, the learned Additional Sessions Judge II, Thalassery confirmed the conviction and sentence, and accordingly, dismissed the appeal by judgment dated 26.2.2015. Thereafter the petitioner and the victim of offence came to terms amicably out of court. Accordingly, the accused filed this application under Section 482 of the Code of Criminal Procedure to quash the whole prosecution including the judgment of conviction in appeal. The victim Sathidevi has filed affidavit before this Court, to the effect that the whole dispute stands settled amicably out of court, and that she has no grievance or complaint now. It is submitted that the victim now stands adequately compensated, and the marital tie is agreed to be dissolved, though a decree will have to be obtained from the competent court. I am well satisfied by the affidavit that the parties

have really settled the whole dispute.

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 the Court is well satisfied that continuance of the prosecution will cause harm and hardship to the parties. Here, I find that when the whole dispute stands settled, the conviction and sentence against the petitioner herein will cause harm and hardship to him, and it will create problems in his life. When the whole dispute stands settled, it is appropriate that the whole prosecution be quashed.

In the result, this petition is allowed. The whole prosecution against the petitioner herein inclusive of the conviction and sentence in C.C No.500/2008 of the trial court, confirmed in appeal by the Court of Session, Thalassery in Crl.A No.188/2011 will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand acquitted and released from prosecution. The bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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