

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Crl.MC.No. 1346 of 2015 ()

CRIME NO. 2048/2012 OF ANGAMALY POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED:

1. JACSON, AGED 33 YEARS,
S/O.JOSE, KADAMBELIL HOUSE, THURAVOOR.
2. LISSY JOSE,
W/O.JOSE, KADAMBELIL HOUSE, THURAVOOR.
3. BABU KURUVILA,
S/O.KURUVILA, PALLIPATT THOTTATHIL HOUSE, KIDANGOOR.

**BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.O.A.NURIYA
SMT.SYAMA MOHAN**

RESPONDENTS/COMPLAINANT AND STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.
2. SUB INSPECTOR OF POLICE,
PERAMANGALAM POLICE STATION, TRISSUR, PIN: 680 001.
3. ANI, AGED 30 YEARS,
D/O.PAULOSE, CHAKKALAMATTOM HOUSE, MOOKKANNUR,
ERNAKULAM DIST, PIN: 683 577.

**R3 BY ADV. SRI.BINU GEORGE
R3 BY ADV. SMT.SUSAN MATHEW
R BY PUBLIC PROSECUTOR SMT. MADHUBEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1346 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

ANNEXURE I: COPY OF FIR NO.2048/2012 DATED 14/2/2014 OF ANGAMALY POLICE STATION.

ANNEXURE II: TRUE COPY OF THE COMPROMISE PETITION FILED BEFORE THE HON'BLE FAMILY COURT, ERNAKULAM.

ANNEXURE III: AFFIDAVIT OF THE 3RD RESPONDENT DATED 26/2/2015.

RESPONDENT(S)' ANNEXURE: **NIL**

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.1346 of 2015
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Dated this the 6th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.352 of 2015 of the Judicial First Class Magistrate Court, Angamaly. 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 354, 498A, 406 and 34 of the Indian Penal Code on the complaint of one Ani, 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.

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.

3. The affidavit of the victim dated 29.07.2015 shows that the whole matrimonial dispute stands resolved forever, and that her claims also stands settled fully. It is submitted that the marriage stands dissolved by decree. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.352 of 2015 of the Judicial First Class Magistrate Court, Angamaly 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.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE