

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 1575 of 2015 ()

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CC 846/2014 of JUDICIAL FIRST CLASS MAGISTRTE COURT, KOLLAM
CRIME NO. 857/2013 OF KILIKOLLOOR POLICE STATION , KOLLAM
=====**

PETITIONERS/ACCUSED 1 TO 3:

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- 1. RATHEESH, AGED 32 YEARS
S/O. MOHANAN NAIR, PADMA NIVAS, MANICKAL
NEDUMANGADU, THIRUVANANTHAPURAM 695541**
 - 2. MOHANAN NAIR, AGED 58 YEARS
S/O. MADHAVAN NAIR, PADMA NIVAS, MANICKAL
NEDUMANGADU, THIRUVANANTHAPURAM 695 541**
 - 3. PADMAJA, AGED 54 YEARS
W/O. MOHANAN NAIR, PADMA NIVAS, MANICKAL
NEDUMANAGADU, THIRUVANANTHAPURAM 695541**

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENTS:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031**
 - 2. SANTHI C.K., AGED 26 YEARS, D/O. KANAKAMMA
SANTHI MANDIRAM, AURNOOTTIMANGALAM
MANGAD PO, KOLLAM 691015**

**R2 BY ADV. SRI.K.RAJESH KANNAN
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE 1: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.857/2013 OF
KILIKOLLOOR POLICE STATION**

**ANNEXURE 2: TRUE COPY OF THE COMPROMISE PETITION FILED BY THE
PETITIONERS AND 2ND RESPONENT BEFORE THE FAMILY COURT,
KOLLAM IN OP NO.807/2013**

ANNEXURE 3: COMPROMISE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1575 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C.No.846/2014 of the Judicial First Class Magistrate Court, Kollam. 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 Section 498-A read with 34 IPC, on the complaint of one Santhi, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted by both the counsel that the marriage stands dissolved, and both the parties have re-married. 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 petitioners herein in C.C.No.846/2014 of the Judicial First Class Magistrate Court, Kollam 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.

Sd/-
P. UBAID, JUDGE

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// True Copy //

P.A. to Judge