

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. 1729 of 2015 ()

CRIME NO. 564/2013 OF KONGADU POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED:

1. ANOOP, AGED 34 YEARS,
S/O.ASOKAN, VETTITHUDIYIL VEEDU, KANJUKULAM POST,
PALAKKAD.
2. ASOKAN, AGED 56 YEARS,
S/O.ACHUTHAN, VETTITHUDIYIL HOUSE, KANJUKULAM POST,
PALAKKAD.
3. LALITHA, AGED 50 YEARS,
W/O.ASOKAN, VETTITHUDIYIL HOUSE, KANJUKULAM POST,
PALAKKAD.

BY ADV. SRI.K.ANAND

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SHYAMA, AGED 27 YEARS,
D/O.SASINDRAN, VETTEKARAMCODE, KALLADIKODU POST,
PALAKKAD-678301.

R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.
R BY SRI.S.SREENATH

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

AK

Crl.MC.No. 1729 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE A- CERTIFIED COPY OF THE FIR IN CRIME NO.564/2013 OF KONGAD
POLICE STATION**

**ANNEXURE B- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.564/2013 OF
KONGAD POLICE STATION**

ANNEXURE C- AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 13.03.2015.

RESPONDENT(S)' ANNEXURE:

NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

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Crl.M.C.No.1729 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.2801 of 2013 of the Judicial First Class Magistrate Court-II, Palakkad. 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 498(A) and 506(1) read with Section 34 of the Indian Penal Code on the complaint of one shyama, 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have already filed a joint application for divorce before the Family Court, Palakkad under Section 13(B) of the Hindu Marriage Act in terms of the settlement arrived at. The victim's claim also stands settled. 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.2801 of 2013 of the Judicial First Class Magistrate Court-II, Palakkad 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