

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Cr1.MC.No. 2525 of 2015

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IN CC 208/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,  
THIRUVALLA (NOW PENDING AS L.P No.16/2015)

CRIME NO. 816/2009 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED :

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ULLAS, AGED 45 YEARS,  
S/O CHELLAPPAN, THONDUPARAMBIL VEEDU,  
OTHARA WEST P.O,  
KUTTOR VILLAGE, THIRUVALLA TALUK,  
PATHANAMTHITTA DISTRICT

BY ADV. SRI.V.SETHUNATH

RESPONDENTS/COMPLAINANT/STATE:

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1. THE S.I.OF POLICE,  
THIRUVALLA POLICE STATION,  
PATHANAMTHITTA DISTRICT PIN. 689 701
  2. SINI, AGED ABOUT 35 YEARS,  
D/O. RAJAMMA, MINI VILASOM, ANCHUPARAPADI,  
PIRAVANTHOOR P.O, & VILAGE, PATHANAPURAM TALUK,  
KOLLAM DISTRICT, PIN: 689 686
  3. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031

R2 BY ADV. SRI.S.RAJEEV  
R2 BY ADV. SRI.K.K.DHEERENDRAKRISHNAN  
R2 BY ADV. SRI.K.V.VINODKUMAR  
R2 BY ADV. SRI.V.VINAY  
R3 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON  
23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2525 of 2015  
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APPENDIX

PETITIONER'S ANNEXURES:  
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ANNEXURE A1: COPY OF THE FIR AND FINAL REPORT IN CRIME NO. 816/2009 OF THIRUVALLA POLICE STATION IN C.C.NO. 208/2010 ON THE FILE OF THE J.F.M.C

ANNEXURE 2: COPY OF THE ORDER SHEET AND COMPROMISE AGREEMENT RECORDED ON THE FILE OF THE J.F.M.C NO.III, PUNALUR.

ANNEXURE 3: COPY OF THE ORDER IN O.P(HMA) NO. 753/2011 ON THE FILE OF THE FAMILY I COURT, KOTTARAKKARA

RESPONDENTS' ANNEXURES:  
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ANNEXURE R2(A): ORIGINAL AFFIDAVIT DATED 18.5.2015 SWORN BY THE SECOND RESPONDENT.

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.2525 of 2015**  
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Dated this the 23<sup>rd</sup> day of September, 2015

**O R D E R**

The petitioner herein is the sole accused in C.C No.208/2010 of the Judicial First Class Magistrate Court, Thiruvalla. 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 Section 498(A) of the Indian Penal Code, on the complaint of one Sini who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. When the petitioner failed to appear in court, the learned Magistrate transferred the case to the register of long pending cases as L.P No.16/2015, after complying with the procedure. Now it is submitted that the case stands refiled on appearance. The victim's affidavit and the other materials will show that the whole matrimonial dispute stands resolved forever, and that her claims also stand settled. The victim's marriage with the petitioner stands dissolved by a decree. In such a situation, it is appropriate that the pending 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 the 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. Accordingly, the case now pending against the petitioner herein, refiled from L.P No.16/2015 in the court below can be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.208/2010 of the Judicial First Class Magistrate Court, Thiruvalla (Crime No.816/2009 of the Thiruvalla Police Station) 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.

**ab****P.UBAID  
JUDGE**