

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

CrI.MC.No. 2549 of 2013 ()

AGAINST THE JUDGMENT IN OP (FC) 2010/2013 of HIGH COURT OF KERALA
DATED 11-06-2013

AGAINST CC 431/2012 of J.M.F.C.-II,THRISSUR
CRIME NO. 668/2011 OF ANTHIKADPOLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED 1-4:

1. SUJAY SUKUMARAN
S/O SUKUMARAN P.S, KOLAPRA HOSUE, ERAVIPEROOR P.O
THIRUVALLA, NOW RESIDING AT APARTMENT NO 2117
45 WINFORD HEIGHTS CRESENT, NORTH YORK
TORONTO M3 CIL3, CANADA
2. SUKUMARAN P.S, AGED 64 YEARS
S/O KOLAPRA HOUSE, ERAVIPEROOR P.O, THIRUVALLA
3. VALSALA, AGED 58 YEARS
W/O SUKUMARAN P.S, KOLAPRA HOUSE, ERAVIPEROOR P.O
THIRUVALLA
4. SOORYA, AGED 29 YEARS
D/O SUKUMARAN P.S, KOLAPRA HOUSE, ERAVIPEROOR P.O
THIRUVALLA

BY ADVS.SRI.T.A.SHAJI (SR.)
SRI.M.A.ASIF

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH CORUT OF KERALA, ERNAKULAM
2. KRISHNA GOPINATH,, AGED 28 YEARS
VENNARATHIL HOUSE, CHAZHOOR VILLAGE
THRISSUR DISTRICT 680571

R2 BY ADV. SRI.M.AJAY
R2 BY ADV. SRI.K.R.RAJKUMAR
R2 BY ADV. SRI.V.P.PRASAD
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2549 of 2013 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A TRUE COPY OF THE DISCHARGE CERTIFICATE OF THE 2ND PETITIONER FROM THE SHIPPING CORPORATION OF INDIA

ANNEXURE B TRUE COPY OF THE CHARGE FRAMED AGAINST THE 2ND RESPONDENT BY THE CANADIAN COURT

ANNEXURE C TRUE COPY OF THE FINAL ORDER OF THE CANADIAN COURT

ANNEXURE D TRUE COPY OF THE CERTIFICATE OF DIVORCE PASSED BY THE SUPERIOR COURT OF JUSTICE, CANADA

ANNEXURE E TRUE COPY OF THE JUDGMENT DATED 11-06-2013 OF THE HON'BLE HIGH COURT IN OP (FC) NO 2010/2013

ANNEXURE F TRUE COPY OF THE FINAL REPORT IN CRIME NO 668/2011 OF ANTHIKADU POLICE STATION ALONG WITH THE FIRST INFORMATION STATEMENT GIVEN BY THE DEFACTO COMPLAINANT AND THE FIR DRAWN UP THEREON

ANNEXURE G TRUE COPY OF THE RECEIPT IN EVIDENCE OF THE RETURN OF GOLD ORNAMENTS TO THE DEFACTO COMPLAINANT

ANNEXURE H: TRUE COPY OF THE M.P. NO.198/2014 IN M.C. NO.188/2013 FILED BEFORE THE FAMILY COURT, THRISSUR

ANNEXURE I: TRUE COPY OF THE ORDER DATED 29.04.2013 IN M.C. NO.188/2013 OF THE FAMILY COURT, THRISSUR

ANNEXURE J: TRUE COPY OF THE ORDER DATED 18.3.2014 IN O.P. NO.612/2012 OF THE FAMILY COURT, THRISSUR

ANNEXURE K: TRUE COPY OF THE RECEIPT DATED 18.3.2014 FOR ₹ 10,00,000/- PAID BY THE 1ST PETITIONER TO THE 1ST RESPONDENTS

ANNEXURE L: TRUE COPY OF THE RECEIPT DATED 22.09.2014 FOR ₹ 10,00,000/- PAID BY THE 1ST PETITIONER TO THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2549 of 2013**  
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Dated this the 10th February, 2015

ORDER

The petitioners herein are the four accused in C.C No.431 of 2012 of the Judicial First Class Magistrate's Court-II, Thrissur. 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. 498A and 406 read with 34 of Indian Penal Code on the complaint of one Krishna, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The parties have filed a compromise showing settlement of the whole dispute amicably on the intervention of persons acceptable to both sides. This compromise is acceptable to the court. I find that the parties have come to terms, and the whole family dispute stands resolved forever.

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, and I am satisfied that the parties are now on quite cordial terms. 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 431 of 2012 of the Judicial First Class Magistrate's Court-II, Thrissur 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**

ma

/True copy/

P.S to Judge