

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Crl.MC.No. 3899 of 2015 (E)

**CC No.156/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1,
VARKALA, THIRUVANANTHAPURAM**

CRIME NO.1035/2012 OF KADAKKAVOOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/ACCUSED :-

1. VIPIN, AGED 26 YEARS,
S/O. VIJAYAN, BINDU NIVAS, THINAVILA ROAD,
KEEZHATTINGAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.
2. VIJAYAN, AGED 58 YEARS,
S/O. VIJAYAN, BINDU NIVAS, THINAVILA ROAD,
KEEZHATTINGAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.
3. GIRIJA, AGED 52 YEARS,
W/O. VIJAYAN, BINDU NIVAS, THINAVILA ROAD,
KEEZHATTINGAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENTS/COMPLAINANT :-

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUNU, AGED 40 YEARS,
S/O. SARASWATHI, REVATHY NIVAS, ANGLIMKKU,
CHIRAMOOLA, KADAKKAVOOR DESOM, CHIRAYINKEEZHU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SMT.RESMI THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3899 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-I :- TRUE COPY OF THE CHARGE SHEET IN CRIME NO.1035/2012 OF
KADAKKAVOOR POLICE STATION, THIRUVANANTHAPURAM
DISTRICT.**

**ANNEXURE-II :- TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A.TO JUDGE

P.UBAID, J.

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Crl.M.C.No.3899 of 2015

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Dated this the 13th day of July, 2015

ORDER

The petitioners herein are the accused in C.C.No.156/2013 of the Judicial First Class Magistrate Court-1, Varkala. 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 4 of the Dowry Prohibition Act on the complaint of one Sunu, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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, 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.No.156/2013 of the Judicial First Class Magistrate Court-1, Varkala 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