

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4002 of 2015 (B)

**CRIME NO. 295/2010 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONERS/ACCUSED 2 & 3 :

- 1. CHELLAMMA AGED 81 YEARS,
W/O.RAGHAVAN PILLAI, CHERUKARA VEEDU,
NEAR THAMARAKULAM, OORUPOIKA PO, EDAKKODU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 2. VIJAYARAGHAVAN, AGED 51 YEARS,
S/O.RAGHAVAN PILLAI, CHERUKARA VEEDU,
NEAR THAMARAKULAM, OORUPOIKA PO, EDAKKODU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.M.DINESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.**
- 2. SINDHU, AGED 34 YEARS,
D/O.GANGADHARAN NAIR, SUJI VILASAM, PARAYATHUKONAM,
KIZHUVILAM VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.C.S.SUMESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4002 of 2015 (B)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- CERTIFIED COPY OF THE FIR IN CRIME NO.295/2010 OF
CHIRAYINKEEZHU POLICE STATION.**

**ANNEXURE A2 :- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.295/2010
OF CHIRAYINKEEZHU POLICE STATION.**

**ANNEXURE A3 :- TRUE COPY OF THE JUDGMENT IN OP.NO.257/2009 ON THE
FILE OF THE FAMILY COURT, NEDUMANGAD DATED 04.05.2012.**

**ANNEXURE A4 :- CERTIFIED COPY OF THE NOTARIZED AFFIDAVIT OF THE 2ND
RESPONDENT DATED 27.06.2015.**

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.4002 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioners herein are the accused Nos.2 and 3 in C.C No.185/2015 of the Judicial First Class Magistrate Court-III (Temporary) Court, Attingal. 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) read with Section 34 of Indian Penal Code on the complaint of one Sindhu, 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. The petitioners are the in-laws of the de facto complainant. Her husband, who is the first accused in the crime, has been absconding. It is submitted that the whole dispute stands settled, but the first accused is not in a position to make application because he is now abroad.

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 proceeding 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.

3. It is submitted that the de facto complainant has joined her husband in matrimony, and that she is now residing at the matrimonial home. In such a circumstance, it will be appropriate to close the prosecution as against the in-laws because continuance of the proceeding will cause problems in matrimony.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.185/2015 of the Judicial First Class Magistrate Court-III (Temporary) Court, Attingal 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