

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4585 of 2015

C.C.NO.73/2015 OF CHIEF JUDICIAL MAGISTRATE, THODUPUZHA

CRIME NO. 424/2015 OF THODUPUZHA POLICE STATION , IDUKKI DISTRICT.

PETITIONERS/ACCUSED NOS.1 & 2 :-

1. SANTI JACOB, AGED 42 YEARS,
S/O.JACOB, PINAKKATTU VEETIL,
MUTHALAKKODAM KARA,
PAZHUKKAKULAM BHAGAM,
THODUPUZHA VILLAGE,
IDUKKI DISTRICT.
2. ELAMMA, WIFE OF JACOB, AGED 74 YEARS,
PINAKKATTU VEETIL,
MUTHALAKKODAM KARA,
PAZHUKKAKULAM BHAGAM,
THODUPUZHA VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
(S.I. OF POLICE, THODUPUZHA POLICE STATION),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.
2. LIYA, W/O.SANTI JACOB,
PINAKKATTU VEETIL, MUTHALAKKODAM KARA,
PAZHUKKAKULAM BHAGAM, THODUPUZHA VILLAGE,
IDUKKI DISTRICT - 673 711.

R1 BY SMT. V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.J.VIMAL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4585 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-I :- CERTIFIED COPY OF THE FINAL REPORT DATED 08.04.2015 IN
CRIME NO.424/2015 OF THODUPUZHA POLICE STATION.**

**ANNEXURE-II :- THE AFFIDAVIT DATED 28.03.2015 SWORN BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

rkj

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

=====

Crl.M.C.No.4585 of 2015

=====

Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the accused Nos.1 and 2 in C.C.No.73 of 2015 of the Chief Judicial Magistrate, Thodupuzha. 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 323 and 498A read with Section 34 of the Indian Penal Code on the complaint of one Liya, 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, 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. The victim's affidavit shows that she has reunited with her husband in matrimony, and that they are now leading a happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.73 of 2015 of the Chief Judicial Magistrate, Thodupuzha 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

rkj

//TRUE COPY//

P.A. TO JUDGE