

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. 4590 of 2015

C.C.NO.4019/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHENGANNUR

CRIME NO. 93/2014 OF MANNAR POLICE STATION , ALAPPUZHA

PETITIONERS/ACCUSED NO. 1 TO 3 :-

- 1. MANOJ KUMAR, AGED 34 YEARS,
S/O K.HARIDAS, THACHAYIL, CHERUKOLE MURI,
CHENNITHALA, MAVELIKKARA.**
- 2. SHOBHA, AGED 45 YEARS,
W/O SADASIVAN, THACHAYIL, CHERUKOLE MURI,
CHENNITHALA, MAVELIKKARA.**
- 3. SADASIVAN, AGED 55 YEARS,
S/O MADHAVAN, THACHAYIL, CHERUKOLE MURI,
CHENNITHALA, MAVELIKKARA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENTS/COMPLAINANT/STATE :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SIMI S.R, AGED 29 YEARS,
D/O K.RADHAKRISHNAN, SURYAKANTHI, BRRA-6,
KUMARAPURAM MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM, PIN - 695 001.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SMT.T.M.BINITHA**

**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. 4590 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 :- COPY OF THE FINAL REPORT CRIME NO.93/14 OF THE MANNAR
POLICE STATION.**

ANNEXURE 2 :- AFFIDAVIT FILED BY THE 2ND 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.4590 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the three accused in C.C.No.4019 of 2014 of the Judicial First Class Magistrate Court-I, Chengannur. 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 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Simi S.R., 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 and her husband have decided to file a joint application for divorce under Section 13(B) of the Hindu Marriage Act. The whole dispute stands accordingly settled and the parties have taken a decision for amicable separation. 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.4019 of 2014 of the Judicial First Class Magistrate Court-I, Chengannur 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