

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. 4595 of 2015

CC 81/2014 OF CHIEF JUDICIAL MAGISTRATE,PALAKKAD

CRIME NO. 302/2014 OF TOWN NORTH POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED NOS. 1 TO 3 :-

1. PRAKASH, AGED 34 YEARS,
S/O RAVUNNI NAIR, FLAT NO.305, SURAVARAM,
EPSILCON HOMES, INDIRA REDDY ALVIN COLONY, SAPTHAGIRI,
MIYAPUR, HYDRABAD.
2. RAVUNNI NAIR, AGED 66 YEARS,
FLAT NO.FLAT NO.305, SURAVARAM, EPSILCON HOMES,
INDIRA REDDY ALVIN COLONY, SAPTHAGIRI, MIYAPUR,
HYDRABAD.
3. KARTHYAYANI, AGED 66 YEARS,
W/O. RAVUNNI NAIR, FLAT NO.305, SURAVARAM,
EPSILCON HOMES, INDIRA REDDY ALVIN COLONY, SAPTHAGIRI
MIYAPUR, HYDRABAD.

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031
2. MRUDULA, AGED 29 YEARS,
D/O. RAMACHANDRAN, 'DHAKSHNIYAM', POOJA NAGAR,
PUTHUR, PALAKKAD-678002.

R1 BY SMT.V.H.JASMINE,PUBLIC PROSECUTOR
R2 BY ADV. SRI.M.DEVESH

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

rkj

Crl.MC.No. 4595 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1: TRUE COPY OF FIR OF PALAKKAD TOWN NORTH POLICE STATION
CRIME NO.302/14.**

**ANNEXURE 2: TRUE COPY OF THE FINAL REPORT FILED BY THE PALAKKAD TOWN
NORTH POLICE IN CRIME NO.302/14 AGAINST THE PETITIONERS.**

**ANNEXURE 3: TRUE COPY OF THE JUDGMENT DATED 20.1.2015 IN O.P.154/2014 ON
THE FILE OF FAMILY COURT, PALAKKAD.**

**ANNEXURE 4: TRUE COPY OF THE JUDGMENT DATED 20.1.2015 IN O.P.176/2014 ON
THE FILE OF FAMILY COURT, PALAKKAD.**

**ANNEXURE 5: AFFIDAVIT OF THE DE-FACTO COMPLAINANT/2ND RESPONDENT
DATED 17.7.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

rkj

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

=====

Crl.M.C.No.4595 of 2015

=====

Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the three accused in C.C.No.81 of 2014 of the Chief Judicial Magistrate Court, Palakkad. 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 406 and 489A read with Section 34 of the Indian Penal Code, on the complaint of one Mrudula, 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. 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 the parties have already decided for amicable separation, and they have already filed a joint petition for divorce under Section 13(B) of the Hindu Marriage Act. 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.81 of 2014 of the Chief Judicial Magistrate Court, Palakkad 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