

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. 4612 of 2015

**CC NO. 543/2011 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, CHANGANACHERRY**

CRIME NO. 880/2011 OF CHANGANACHERRY POLICE STATION , KOTTAYAM

PETITIONERS/ACCUSED NOS.1 TO 3 :-

- 1. ARUNKUMAR, AGED 28 YEARS,
S/O.KRISHNAKUMAR, ARUNODAYAM HOUSE, VAZHAPPALLY P.O.,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**
- 2. KRISHNAKUMAR, AGED 61 YEARS,
S/O.SUBRAMANYAN, ARUNODAYAM HOUSE, VAZHAPPALLY P.O.,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**
- 3. SUDHA KRISHNAKUMAR AGED 52 YEARS
W/O.KRISHNAKUMAR, ARUNODAYAM HOUSE, VAZHAPPALLY P.O.,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE :-

- 1. ANJALY DEVI.S., AGED 25 YEARS,
D/O.LATE SOMAN K.C., CHELLAPPAS V VILLA HOUSE,
MAKKAPPUZHA P.O., CHETHACKAL VILLAGE,
RANNY TALUK - 689676.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SRI.V.SETHUNATH
R2 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR**

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

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE 1 :- THE CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.543 OF 2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHANGANACHERRY ALONG WITH THE FIR IN CRIME NO.880/2011 OF CHANGANACHERRY POLICE STATION.

ANNEXURE 2 :- THE TYPED COPY OF THE JUDGMENT DATED 30.03.2012 IN O.P. NO.1257/11 PASSED BY THE FAMILY COURT KOTTAYAM AT ETTUMANOOR.

ANNEXURE 3 :- THE AFFIDAVIT DATED 12/02/2015 SWORN IN BY THE 1ST RESPONDENT/DE FACTO COMPLAINANT EXECUTED BEFORE A NOTARY PUBLIC.

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.4612 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.543 of 2011 of the Judicial First Class Magistrate Court-I, Changanachery. 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) and 34 of the Indian Penal Code on the complaint of one Anjaly Devi.S, who is the 1st 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 marriage stands resolved and that the 1st petitioner has settled all her claims. In such a situation, it is definite that continuance of the prosecution will cause hardship and embarrassment to both the parties. 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.543 of 2011 of the Judicial First Class Magistrate Court-I, Changanachery 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