

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

Crl.MC.No. 4964 of 2015 ()

CRIME NO. 527/2013 OF CHERANELLOOR POLICE STATION , ERNAKULAM

PETITIONER(S)/PETITIONERS:

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1. JAIN JOSEPH AGED 33 YEARS
W/O. JOSEPH, H.NO.VIII/207, KUNNATH HOUSE
SOUTH CHITTOOR, ERNAKULAM.
 2. JOSEPH AGED 38 YEARS
S/O. LATE K.A.JOHN, -DO-
 3. ROSY JOHN AGED 69 YEARS
W/O. LATE K.A.JOHN, -DO-

BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER

RESPONDENTS/FORMAL PARTY:

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1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
 2. STATION HOUSE OFFICER
CHERANELLUR POLICE STATION, CHERANELLUR, ERNAKULAM.

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4964 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I- COPY OF FIR IN CRIME NO. 527/2013 OF CHERANELLUR POLICE
STATION, ERNAKULAM DISTRICT, DATED 27-5-2013.

ANNEXURE II- PHOTOCOPY OF THE AGREEMENT EXECUTED BETWEEN THE
PETITIONERS BEFORE ADVOCATE NOTARY DATED 22-07-2015.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.4964 of 2015**  
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Dated this the 21st August, 2015

ORDER

The accused and the complainant in C.C No.4425/2013 of the Judicial First Class Magistrate's Court, Ernakulam seek orders quashing the prosecution in the said case involving the offence under Section 498A of Indian Penal Code mainly on the ground of amicable settlement out of court. The parties have reunited and the victim is now leading a happy matrimony with the 1st accused. I find that continuance of the prosecution in such a situation will cause problems in their matrimony and it may even defile their happy matrimony. It is appropriate that the pending prosecution be quashed.

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 the prosecution 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.

In the result, this petition is allowed. The prosecution against the petitioners 2 and 3 herein in C.C No.4425/2013 of the Judicial First Class Magistrate's Court-II, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners 2 and 3 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.S to Judge