

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.MC.No. 5057 of 2015

CC 1451/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THRISSUR

CRIME NO.1738/2013 OF VIYYUR POLICE STATION , THRISSUR

PETITIONER(S)/ACCUSED NO.1 TO 3 :-

- 1. VINOD, AGED 35 YEARS,
S/O.JANARDHANAN, THENNATHAYIL, FLAT NO.A2, IIND FLOOR,
ALAGANANDA RESIDENCY, CHUNGAM, KERALA VARMA ROAD,
THRISSUR, PRESENTLY RESIDING AT FLAT NO.3, ALPHA BLOCK,
PHASE 3, RJAMALIGA, MEDAVAKKAM, CHENNAI.**
- 2. JANARDHANAN, THENNATHAYIL, AGED 66 YEARS,
FLAT NO.A2, IIND FLOOR, ALAGANANDA RESIDENCY,
CHUNGAM, KERALA VARMA ROAD, THRISSUR.**
- 3. KALYANIKUTTY, W/O.JANARDHANAN, AGED 60 YEARS,
THENNATHAYIL FLAT NO.A2, IIND FLOOR, ALAGANANDA RESIDENCY,
CHUNGAM, KERALA VARMA ROAD, THRISSUR.**

**BY ADVS.SRI.N.K.UNNIKRISHNAN
SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.N.U.HARIKRISHNA**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :-

- 1. THE STATE OF KERALA,
(REPRESENTED BY SUB INSPECTOR OF POLICE,
VIYYUR POLICE STATION,
CRIME NO.1738/2013 OF VIYYUR POLICE STATION),
REP. BY THE STATE PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. RAMIA RAMADAS, AGED 30 YEARS,
D/O.RAMADASAN, NEELANJANAM, PALLURATH THEKKETHIL HOUSE,
VIYYUR VILLAGE & DESOM, THRISSUR TALUK - 680 001.**

**R2 BY ADV. SRI.VINOD KUMAR.C
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 5057 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE-A :- TRUE COPY OF THE FIR IN CRIME NO.1738/2013, VIYYUR POLICE STATION.

ANNEXURE-B :- CERTIFIED COPY OF THE CHARGE SHEET/FINAL REPORT IN C.C.NO.1451/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT.NO.I, THRISSUR.

ANNEXURE-C :- AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 18.05.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.5057 of 2015

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Dated this the 6th day of August, 2015

ORDER

The petitioners herein are the three accused in C.C.No.1451 of 2014 of the Judicial First Class Magistrate Court-I, Thrissur. 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, 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Ramia Ramadas , 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 the parties have already decided to dissolve the marital relationship, and they have accordingly filed a joint petition for divorce under 13(B) of the Hindu Marriage Act. The whole matrimonial dispute between them stands effectively and amicably resolved forever. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1451 of 2014 of the Judicial First Class Magistrate Court-I, Thrissur 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