

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.5076 of 2015

C.C.NO.1620/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM

CRIME NO.178/2013 OF KAYAMKULAM POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED :-

**MOHAN DAS.D, AGED 58 YEARS,
S/O VASU, RESIDING AT GEETHAM VEEDU,
NJAKKANAL MURI,
OACHIRA, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.VISHNU (ARIKKATTIL)
SRI.IJILAL C.**

RESPONDENTS/STATE AND CW1 :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM-682031.**
- 2. SHOBANA, AGED 54 YEARS,
W/O JAYA BHAVAN, PUTHUPPALLY VADAKKUM MURI,
PUTHUPPALLY VILLAGE, KAYAMKULAM 690 009.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.SERGI JOSEPH THOMAS**

**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. 5076 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : THE CERTIFIED COPY OF THE CHARGE SHEET IN C.C1620/2014 OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM IN
CRIME NO.178/2013 OF KAYAMKULAM POLICE STATION.**

**ANNEXURE A2 : AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5076 of 2015

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Dated this the 6th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.1620 of 2014 of the Judicial First Class Magistrate Court, Kayamkulam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 498 (A) and 497 of the Indian Penal Code on the complaint of one Shobana, 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. In fact, the prosecution under Section 497 IPC in this case is legally unsustainable in view of the bar of cognizance under the law. Anyway, the parties have resolved the whole dispute for ever, and it is submitted that the parties have reunited for a happy matrimony. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.1620 of 2014 of the Judicial First Class Magistrate Court, Kayamkulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE