

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. 5092 of 2015 ()

**AGAINST THE ORDER IN CC 180/2015 of JUDICIAL FIRST CLASS MAGIST. COURT,
CHOTTANIKKARA(TEMPORARY)
CRIME NO. 1129/2015 OF CHOTTANIKKARA POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED:

- 1. SUMESH S/O.VENU, AGED 28 YEARS,
KIZHAKKEDATHU HOUSE, CHOTTANIKKARA,
KURIKKADU VILLAGE, ERNAKULAM DISTRICT.**
- 2. VENU S/O.RAJAMANI, AGED 55 YEARS,
KIZHAKKEDATHU HOUSE, CHOTTANIKKARA,
KURIKKADU VILLAGE, ERNAKULAM DISTRICT.**
- 3. ANNAPOORNESWARI W/O.VENU, AGED 54 YEARS,
KIZHAKKEDATHU HOUSE, KURIKKADU VILALGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.K.K.VIJAYAKUMAR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. RESHMI RAGHU, W/O.SUMESH, AGED 24 YEARS,
MAMBAZHAPPARAMBIL HOUSE, VAZHAPILLYKARA,
CHENGANASHERRY, NOW RESIDING AT KIZHAKKEDATHU HOUSE,
CHOTTANIKKARA, KURIKKADU, ERNAKULAM DISTRICT.**

**R2 BY ADV. SMT.SRUTHY.P.BHASI
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA**

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

AD

Crl.MC.No. 5092 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- FINAL REPORT IN CRIME NO.1129/2015 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT CHOTTANIKKARA IN CC NO.180/2015.**

ANNEXURE A2- AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS **NIL**

//TRUE COPY//

P.A. TO JUDGE

AD

P.UBAID, J.

Crl.M.C No.5092 of 2015

Dated this the 6th day of August, 2015

ORDER

The petitioners herein are the three accused in C.C.No.180/2015 of the Judicial First Class Magistrate Court Chottanikkara. 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 Indian Penal Code on the complaint of one Smt.Reshmi Raghu, 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 reunited and they are now leading a very happy matrimony. In such a situation continuance of the prosecution will cause hardship and embarrassment to the couple.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.180/2015 of the Judicial First Class Magistrate's

Court Chottanikkara 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

AD