

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Cr1.MC.No. 5257 of 2015

IN C.C NO.430/2012 of JUDICIAL FIRST CLASS MAGISTRATE
COURT, KOLENCHERRY
CRIME NO. 470/2011 OF PUTHENCURUZ POLICE STATION, ERNAKULAM

PETITIONERS/DEFACTO COMPLAINANT:

1. JOHNY, AGED 48 YEARS,
S/O POULOSE, EDAYANAL HOUISE, PAZHAMTHOTAM,
AIKKARANADU NORTH VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT
2. BINU JOHNY, AGED 42 YEARS,
W/O JOHNY, EDAYANAL HOUSE, PAZHAMTHOTAM,
AIKKARANADU NORTH VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT

BY ADV. SRI.SABU THOZHUPPADAN

RESPONDENT:

STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
PUTHENCURZE POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Crl.MC.No. 5257 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1: CERTIFIED COPY OF FIR IN CRIME NO. 470/11 OF
PUTHENCRUZE POLICE STATION

ANNEXURE 1: CERTIFIED COPY OF CHARGE SHEET IN CC NO. 430/12
OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KOLENCHERY

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5257 of 2015

Dated this the 11th day of August, 2015

O R D E R

This joint application is filed by the defacto complainant and the accused in C.C No.430/2012 of the Judicial First Class Magistrate Court, Kolencherry to quash the prosecution brought under Section 498A of the Indian Penal Code. Pending the prosecution, the husband and the wife reunited, and now they are leading a happy matrimony. In such a situation, continuance of the prosecution will cause embarrassment to them, and it may even defile their matrimony. The whole matrimonial dispute stands resolved forever. It is appropriate that in such a circumstance the 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 1st petitioner herein in C.C No.430/2012 of the Judicial First Class Magistrate Court, Kolencherry will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the 1st petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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