

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5290 of 2015

CC 2292/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL

**CRIME NO. 714/2014 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED :-

**VIJAYAN NAIR, AGED 55 YEARS,
S/O.PARAMESWARAN PILLAI, VIJIN VILLA, NEAR S.V.U.P.S
KIZHUVILLAM VILLAGE, PURAVOOR DESOM,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT & VICTIMS :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
CHIRAYINKEEZHU POLICE STATION, THIRUVANANTHAPURAM - 695 004.**
- 3. LIJI V.NAIR, W/O.VIJAYAN NAIR, AGED 42 YEARS,
VIJIN VILLA, NEAR S.V.U.P.S.,
PURAVOOR DESOM, KIZHUVILLAM VILLAGE,
PURAVOOR DESOM - 695 041.**
- 4. GOPINATHAN NAIR, S/O.PARAMESWARAN PILLAI,
GOKULAM, PURAVOOR DESOM,
CHIRAYINKEEZHU, KIZHUVILLAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT - 695 041.**

**R BY SMT.S.HYMA, PUBLIC PROSECUTOR
R3 & R4 BY ADV. SRI.R.ARUN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME NO.714/2014 OF CHIRAYINKEEZHU
POLICE STATION.**

ANNEXURE A2 : TRUE COPY OF THE FINAL REPORT IN ANNEXURE A1.

ANNEXURE A3 : COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE A4 : COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5290 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioner herein is the accused in C.C. No.2292 of 2014 of the Judicial First Class Magistrate Court-I, Attingal. 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 498A, 341, 294(b), 323, 325 of the Indian Penal Code and read with Section 31(1) of Protection of Women from Domestic Violence Act, 2005 on the complaint of one Liji V.Nair, who is the 3rd 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. The father of the victim is the 4th respondent. He has also filed affidavit to the effect that the dispute stands settled, and he 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the 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 she has reunited with her husband, and they are now leading a very happy matrimony. The whole matrimonial dispute stands resolved. 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.2292 of 2014 of the Judicial First Class Magistrate Court-I, Attingal 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