

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. 5296 of 2015

OP 2390/2014 OF FAMILY COURT, ERNAKULAM

CC 1239/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOCHI

CRIME NO. 810/2014 OF MARADU POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED :-

1. RAJESH JIBI, AGED 41 YEARS,
S/O.THANKACHAN, KOTTAPPURATH HOUSE,
PERINGALA P.O., KAYAMKULAM, ALAPPUZHA DISTRICT,
PIN - 690 502.
2. THANKACHAN,
AGED 71, S/O.PAPPY, RESIDING AT DO. DO. DO.
3. CHINNAMMA,
AGED 65, W/O.THANKACHAN, RESIDING AT DO. DO. DO.

BY ADV. SRI.V.K.BALACHANDRAN

RESPONDENT(S)/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 031
2. SUB INSPECTOR OF POLICE,
MARADU POLICE STATION, ERNAKULAM, COCHIN - 682 304.
3. ANJU RAJESH JIBI,
AGED 39, RESIDING AT FLAT T.2, GOOD EARTH HARMONY,
NEAR GOLD SOUK MALL, AYSHA ROAD, VYTILA P.O.,
ERNAKULAM, COCHIN -682 019.

R BY SMT.S.HYMA, PUBLIC PROSECUTOR
R3 BY ADVS. SMT.TINY THOMAS
SRI.R.KRISHNAKUMAR (CHERTHALA)

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

rkj

Crl.MC.No. 5296 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE A1 - TRUE COPY OF THE FIR IN CRIME NO.810/2014 OF MARADU POLICE STATION.

ANNEXURE A2 - TRUE COPY OF THE FINAL REPORT IN CRIME NO.810/2014 OF MARADU POLICE STATION.

ANNEXURE A3 - TRUE COPY OF THE AWARD PASSED BY THE LOK ADALATH.

ANNEXURE A4 - TRUE COPY OF THE JUDGMENT OF THE FAMILY COURT, ERNAKULAM IN OP NO.2390/2014 DT.25.6.2015.

ANNEXURE A5 - AFFIDAVIT OF THE 3RD RESPONDENT IN THE ABOVE CASE.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5296 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners herein are the three accused in C.C.No1239 of 2015 of the Judicial First Class Magistrate's Court-I, Kochi. 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) of the Indian Penal Code on the complaint of one Anju Rajesh Jibi, 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.

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. 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 whole matrimonial dispute stands resolved forever, in view of the conciliation arrived at before the Lok Adalath. It is submitted that the parties have now brought a joint application for divorce before the family court. In such a circumstance, 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.No1239 of 2015 of the Judicial First Class Magistrate's Court-I, Kochi 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

rkj

//TRUE COPY//

P.A. TO JUDGE