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. 5301 of 2015

CC 1379/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPPALAM

CRIME NO. 1004/2013 OF OTTAPALAM POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED :-

SUDHEESH V.S., AGED 35 YEARS,
S/O. SURENDRAN, VELIYIL VEEDU, WEST OF UDHAYA STUDIO,
PATHIRAPPALLI P.O., ALAPPUHA - 688 521.

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :-

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1. **STATE OF KERALA,**
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. **VIJITHA, AGED 25 YEARS, D/O. MANI,**
   KOLAKKATTIL VEEDU,
   PALAPPURAM P.O.,
   OTTAPPALAM TALUK, PIN - 679 521.

3. **SUB INSPECTOR OF POLICE,**
   OTTAPPALAM POLICE STATION,
   OTTAPPALAM, PIN - 679 101.

R BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SMT.DIJI.K.DASAN

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. 5301 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE - I :- CERTIFIED COPY OF THE FINAL REPORT NO.1267/2013 DATED 22.06.2013.

ANNEXURE - II :- TRUE COPY OF THE O.P.NO.430/2014 BEFORE THE FAMILY COURT, OTTAPPALAM.

ANNEXURE -III :- TRUE COPY OF THE JUDGMENT IN O.P.NO.430 OF 2014 OF FAMILY COURT, OTTAPPALAM.

ANNEXURE- IV :- AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 25.06.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5301 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.1379 of 2013 of the Judicial First Class Magistrate Court, Ottappalam. 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 of the Indian Penal Code on the complaint of one Vijitha, 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 whole matrimonial dispute stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.1379 of 2013 of the Judicial First Class Magistrate Court, Ottappalam 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