

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. 5321 of 2015

C.C.NO.57/2015 of C.J.M.PATHANAMTHITTA

CRIME NO. 1198/2013 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA

PETITIONER(S)/ACCUSED 1 TO 4 :-

1. GIREESH KUMAR, AGED 35 YEARS,
S/O. SATHEESAN, RESIDING AT GIREESH BHAVAN, VETTOR,
KONNITHAZHAM VILLAGE, KONNI,
PATHANAMTHITTA DISTRICT.
2. OMANA, AGED 58 YEARS,
W/O SATHEESAN, RESIDING AT GIREESH BHAVAN, VETTOR,
KONNITHAZHAM VILLAGE, KONNI,
PATHANAMTHITTA DISTRICT.
3. ANASWARA, AGED 23 YEARS,
D/O SATHEESAN, RESIDING AT GIREESH BHAVAN, VETTOR,
KONNITHAZHAM VILLAGE, KONNI,
PATHANAMTHITTA DISTRICT.
4. SATHEESAN, AGED 58 YEARS,
S/O NARAYANAN, RESIDING AT GIREESH BHAVAN, VETTOR,
KONNITHAZHAM VILLAGE, KONNI,
PATHANAMTHITTA DISTRICT.

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE AND CW1 :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31
2. ARUNIMA, AGED 29 YEARS,
W/O GIREESH, GIREESH BHAVAN VEETIL,
VETTOR MURI, MALAYALAPPUZHA VILLAGE,
PATHANAMTHITTA DISTRICT - 689 641.

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.SERGI JOSEPH THOMAS**

**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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Crl.MC.No. 5321 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1: THE CERTIFIED COPY OF THE CHARGE SHEET IN CC 57/15 OF THE
CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA IN CRIME
NO. 1198/13 OF PATHANAMTHITTA POLICE STATION..**

**ANNEXURE A2: AN AFFIDAVIT SWORN BY THE 2ND RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5321 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners herein are the four accused in C.C.No.57 of 2015 of the Chief Judicial Magistrate Court, Pathanamthitta. 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 Sections 323, 498(A) and read with Section 34 of the Indian Penal Code on the complaint of one Arunima, 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 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 the whole matrimonial dispute stands resolved forever. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.57 of 2015 of the Chief Judicial Magistrate Court, Pathanamthitta 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