

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 5335 of 2015

CC 83/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, MANJERI

CRIME NO. 406/2014 OF KALIKAVU POLICE STATION , MALAPPURAM

PETITIONERS :-

- 1. PURUSHOTHAMAN S/O.KUNJAN,
PARAMMALTHODI (H), ARIpra, P.O.THURURKAD,
(MANKADA POLICE STATION AREA)
MALAPPURAM DISTRICT.**
- 2. JANAKI, W/O.KUNJAN,
PARAMMALTHODI (H),
-DO- -DO-**

BY ADV. SRI.K.M.MOHAMED ABDURAHIMAN

RESPONDENTS :-

- 1. JIJI MOL, D/O.MADHAVAN, PUTHUCHOYI (H),
PARIYANGAD, P.O. ARCHACHAVIDI,
(KALIKAVU POLICE STATION AREA),
MALAPPURAM DISTRICT.**
- 2. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH S.I.POLICE, KALIKAVU, MALAPPURAM.**

**R1 BY ADV. SRI.C.T.BASHEER
R2 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5335 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF FIR DATED 14.11.2014 REGISTERED BY
S.I. OF POLICE, KALIKAVU, MALAPPURAM IN CRIME NO.406/14.**

**ANNEXURE A2 : CERTIFIED COPY OF CHARGE IN CRIME NO.406/14 BY THE ABOVE
POLICE DATED 18.12.14.**

**ANNEXURE A3 : AFFIDAVIT OF THE FIRST RESPONDENT (DEFACTO COMPLAINANT)
DATED 21.07.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.5335 of 2015
=====

Dated this the 13th day of August, 2015

ORDER

The petitioners herein are the two accused in C.C.No.83 of 2015 of the Judicial First Class Magistrate Court-I, Manjeri. 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 498(A), 323, and 406 read with Section 34 of the Indian Penal Code on the complaint of one Jijimol, who is the 1st 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 all her claims have been settled, and 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.83 of 2015 of the Judicial First Class Magistrate Court-I, Manjeri 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