

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

Cr1.MC.No. 5367 of 2015 ()

IN CC 292/2011 of JUDICIAL FIRST CLASS MAGISTRATE, THIRUVALLA
CRIME NO. 85/2011 OF KEEZHVAIPUR POLICE STATION , PATHANAMTHITTA

PETITIONERS/ACCUSED:

1. GITTY GEORGE, AGED 34 YEARS, S/O.K.C.GEORGE
AZHAKATHU VEEDU, KANJEETTUKARA P.O, AYAROOR VILLAGE
KURIYANNOOR, PATHANAMTHITTA DISTRICT.
2. K.C. GEORGE
AGED 69 YEARS, FATHER OF GITTY GEROGE, AZHAKATHU VEEDU
KANJEETTUKARA P.O, AYAROOR VILLAGE, KURIYANNOOR
PATHANAMTHITTA DISTRICT.
3. ROSAMMA GEORGE, W/O.K.C.GEORGE
AZHAKATHU VEEDU, KANJEETTUKARA P.O, AYAROOR VILLAGE
KURIYANNOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.PIOUS JACOB

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1. MABLE THOMAS
AGED 31 YEARS, D/O.V.C.THOMAS, VELACHERIL VEEDU
MANTHANAM P.O, KUNNAMTHANAM VILLAGE
MALLAPPALLY TALUK PATHANAMTHITTA DISTRICT
PIN 689 645.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.

R1 BY ADV. SMT.P.P.BLESSY MOL

R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

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

Cr1.MC.No. 5367 of 2015 ()

APPENDIX

PETITIONER(S) ' ANNEXURES

ANNX.A1 - TRUE COPY OF THE FIR IN CRIME NO.85/2011 OF KEEZHVAYPUR
POLICE STATION

ANNX.A2 - TRUE COPY OF THE FINAL REPORT WHICH WAS ACCEPTED BY THE
JURISDICTIONAL MAGISTRATE ON FILE AS CC NO.229/2011

ANNX.A3 - TRUE COPY OF THE JUDGMENT OF THE FAMILY COURT, THIRUVALLA
IN OP(DIVORCE) NO.875/2011

ANNX.A4 - ORIGINAL OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT TO
BE PRODUCED BEFORE THIS HON'BLE COURT.

RESPONDENT(S) ' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

Crl.MC.No. 5367 of 2015

Dated this the 13th day of August, 2015

ORDER

The petitioners herein are the accused in C.C.No.292/2011 of the Judicial First Class Magistrate Court, Thiruvalla. 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, r/w Section 34 IPC, on the complaint of one Mable Thomas, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed an 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 her marriage with the 1st petitioner stands dissolved, on mutual consent, and the whole matrimonial dispute stands resolved for ever.

In the result, this petition is allowed. The prosecution against the petitioners herein in CC No.292/2011, of the Judicial First Class Magistrate's Court, Thiruvalla, 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

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