

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Cr1.MC.No. 5488 of 2015

IN CC 154/2013 of C.J.M., THIRUVANANTHAPURAM

CRIME NO. 846/2012 OF MUSEUM POLICE STATION, THIRUVANANDAPURAM

PETITIONER/ACCUSED:

SIVAPRIYAN, AGED 44 YEARS,
S/O.SREEVARDHANAN, RESIDING AT T.C.30/1377,
V.V.ROAD
PATTOOR, THIRUVANANTHAPURAM-24.

BY ADV. SRI.MANU V.

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

1. STATE OF KERALA

REPRESENTED BY ITS PUBLIC PROSECUTOR
AT THE HIGH COURT OF KERALA
ERNAKULAM-682031.

2. UTHARA, AGED 36 YEARS,

D/O.M.N.SOMAN, NOW RESIDING AT T.C.30/1377, V.V.ROAD
PATTOOR, THIRUVANANTHAPURAM-24, ORIGINALLY FROM 3A
SFS, FAIRMONT, M.P.APPAN NAGAR
VAZHUTHACAUD, THIRUVANANTHAPURAM-14.

R2 BY ADV. SRI.GOVIND PADMANAABHAN

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5488 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A : COPY OF THE FIR IN CRIME NO.846/2012 OF MUSEUM
POLICE STTION

ANNEXURE B : COPY OF THE CHARGE SHEET IN CRIME NO.846/2012 OF
MUSEUM POLICE STATION

ANNEXURE C : AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5488 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioner herein is the accused in C.C No.154/2013 of the Chief Judicial Magistrate Court, Thiruvananthapuram. 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 323, 324, 419 and 498A r/w 34 of the Indian Penal Code on the complaint of one Uthara who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that she has re-united with her husband in matrimony. I am well satisfied that the parties are now leading a happy matrimony. In such a situation continuance of the prosecution will defile their matrimony, and it is appropriate that the prosecution be quashed.

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 prosecution 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.154/2013 of the Chief Judicial Magistrate Court, Thiruvananthapuram 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.

**P.UBAID
JUDGE**

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