

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. 5515 of 2015

IN CC 138/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KAKKANAD
CRIME NO. 155/2014 OF THADIYITTAPARAMBIL POLICE STATION,
ERNAKULAM

PETITIONERS/ACCUSED 1&3:

1. RENIN VARGHESE, AGED 32 YEARS
S/O.VARGHESE, THOTTUNKAL HOUSE, THAMARACHAL,
KIZHAKAMBALAM P.O.
2. VARGHESE ESTHAPANOSE, AGED 61 YEARS,
THOTTUNKAL HOUSE, THAMARACHAL, KIZHAKAMBALAM P.O.
3. MARY, AGED 54 YEARS,
W/O.VARGHESE, THOTTUNKAL HOUSE, THAMARACHAL,
KIZHAKAMBALAM P.O.

BY ADVS.SRI.SHAIJAN C.GEORGE
SRI.C.K.SAJEEV
SMT.S.REKHA KUMARI
SRI.M.T.AJITH
SMT.SAJITHA GEORGE

RESPONDENTS/COMPLAINANT AND STATE:

1. TWINKLE RENIN, AGED 26 YEARS,
W/O.RENIN VARGHESE, THOTTUNKAL HOUSE, THAMARACHAL
KIZHAKAMBALAM-683582.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADV. SRI.C.P.PEETHAMBARAN
R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

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. 5515 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE PRIVATE COMPLAINT FILED BY THE 1ST RESPONDENT.

ANNEXURE 2: COPY OF THE FIR IN CRIME NO.155/2014 OF THADIYITTAPARAMBIL POLICE STATION.

ANNEXURE 3: COPY OF THE FINAL REPORT

ANNEXURE 4: AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.5515 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.138/2015 of the Judicial First Class Magistrate Court, Kakkanad. 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 325, 307 and 498A r/w 34 of the Indian Penal Code on the complaint of one Twinkle Renin who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has reunited with her husband in matrimony. In such a situation 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 petitioners herein in C.C No.138/2015 of the Judicial First Class Magistrate Court, Kakkanad 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**

ab