

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. 5527 of 2015

IN CC 899/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHITTUR

CRIME NO. 1166/2013 OF CHITTUR POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED:

1. PRADEEP,
S/O.SURENDRAN NAIR, CHEMBIL HOUSE, POLIPULLY,
PALAKKAD DISTRICT.
2. SURENDRAN NAIR,
CHEMBIL HOUSE, POLIPULLY, PALAKKAD DISTRICT.
3. HEMABIKA
W/O.SURENDRAN NAIR, CHEMBIL HOUSE, POLIPULLY,
PALAKKAD DISTRICT.

BY ADV. SRI.P.K.VARGHESE

RESPONDENTS/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MEERA,
D/O.SIVAKUMAR, SREEKARUNIAM VEEDU, THEKKATHARA,
KOTTEKADU P.O., PALAKKAD DISTRICT - 686 001.

R2 BY ADV. SMT.NIMA JACOB

R1 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. 5527 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: COPY OF FINAL REPORT IN CRIME NO.1166/2013 OF
CHITTUR POLICE STATION.

ANNEXURE-II: AFFIDAVIT OF THE 2ND RESPONDENT (DEFACTO
COMPLAINANT) .

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5527 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.899/2015 of the Judicial First Class Magistrate Court, Chittur. 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 498A r/w 34 of the Indian Penal Code on the complaint of one Meera 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 dispute stands resolved forever, and that the parties have filed application for divorce jointly before the Family Court. In such a situation it is appropriate that the pending 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 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.899/2015 of the Judicial First Class Magistrate Court, Chittur 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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