

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

Crl.MC.No. 5559 of 2015

**C.C.NO.179/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT ,
SASTHAMCOTTAH**

PETITIONER(S) :

**JOHN VAIDHYAN, AGED 41 YEARS,
S/O.GEORGE VAIDHYAN, VILAYITHARA BUNGLOW NO.3,
KIZHAKKEKKARA VILLAGE, MYNAGAPPALLY, KOLLAM.**

**BY ADVS.SRI.RAVI KRISHNAN
SRI.RAHUL SHENOY**

RESPONDENT(S) :

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO. 898/2013 OF SASTHAMCOTTAH POLICE STATION,
KOLLAM).**

**2. SMITHA JOHN, AGED 36 YEARS,
W/O.JOHN VAIDHAYAN, VILAYITHARA BUNGLOW NO.3,
KIZHAKKEKKARA VILLAGE, MYNAGAPPALLY, KOLLAM.**

**R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE
R2 BY ADV. SRI.PRINSUN PHILIP**

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1:** CERTIFIED COPY OF THE FIR IN CRIME NO. 898/2013 OF SASTHAMCOTTAH POLICE STATION, KOLLAM.
- ANNEXURE 2:** CERTIFIED COPY OF THE FINAL REPORT C.C.NO.179/2014 ON THE FILE OF HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTAH.
- ANNEXURE 3:** AFFIDAVIT SWORN BY THE 2ND RESPONDENT STATING THAT SHE HAS NO OBJECTION IN QUASHING THE ENTIRE PROCEEDINGS PURSUANT TO FINAL REPORT IN CC NO. 179/2014.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl.M.C.No.5559 of 2015

Dated this the 18th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.179 of 2014 of the Judicial First Class Magistrate Court, Sasthamcottah, Kollam. 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 Section 498A of the Indian Penal Code, and Section 23 of Juvenile Justice (Care and Protection of Children) Act on the complaint of one Smitha John, who is the 2nd 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 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, and I am satisfied that the parties are now on quite cordial terms. 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 she has reunited with her husband in matrimony, and now she is leading a very happy matrimony. The affidavit also shows that the complaint happened to be made on some misapprehension. Continuance of the prosecution in such a circumstance will defile the matrimony.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.179 of 2014 of the Judicial First Class Magistrate Court, Sasthamcottah, Kollam 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.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE