

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5599 of 2015 ()

CC. NO.1649/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY.

PETITIONERS/ACCUSED:

- 1. BINISH, AGED 38 YEARS, S/O.BALASUBRAMANIAM,
GEETHAM, ESI ROAD, CHANADAM,
THALASSERY, KANNUR DISTRICT.**
- 2. GEETHA, W/O.BALASUBRAMANIAM,
AGED 58 YEARS, GEETHAM, ESI ROAD,
CHANADAM, THALASSERY, KANNUR DISTRICT.**
- 3. BABITHA, D/O.BALASUBRAMANIAM,
AGED 34 YEARS, GEETHAM, ESI ROAD,
CHANADAM, THALASSERY, KANNUR DISTRICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT,
SRI.K.N.ABHILASH.**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**
- 2. STATION HOUSE OFFICER,
THALASSERY POLICE STATION, KANNUR - 670 304.**
- 3. SHIJILA RAVEENDRAN,
D/O.LATE K.RAVEENDRAN, AGED 31 YEARS, POYYIL HOUSE,
KAVUMBHAGAM POST, THALASSERY TALUK, KANNUR- 670 101.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.V.H. JASMINE.
R3 BY ADV. SRI.K.K.ANIL KUMAR.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNX.A1 - THE CERTIFIED COPY OF THE FINAL REPORT/CHARGE
DATED 28.02.2015 IN C.C NO.1649/2015 ON THE FILE OF JFCM,
THALASSERY.**
- ANNX.A2 - THE TRUE COPY OF THE AGREEMENT DATED 21.07.2015
ENTERED BETWEEN THE 1ST PETITIONER AND THE
3RD RESPONDENT.**
- ANNX.A3 - THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 21.07.2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.UBAID, J.

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Crl.M.C.No.5599 of 2015
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Dated this the 19th day of August, 2015

ORDER

The petitioners herein are the three accused in C.C.No.1649 of 2015 of the Judicial First Class Magistrate Court, Thalassery. 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 of the Indian Penal Code on the complaint of one Shijila Raveendran, who is the 3rd 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 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, 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 the whole matrimonial dispute stands resolved forever, and the parties have decided to part ways.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1649 of 2015 of the Judicial First Class Magistrate Court, Thalassery 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

rkj

//TRUE COPY//

P.A. TO JUDGE