

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

CrI.MC.No. 5642 of 2015 ()

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AGAINST CC 1748/2012 of J.M.F.C.,ALATHUR

PETITIONER(S)/ACCUSED:

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1. DILEESH, AGED 35 YEARS  
SON OF MUKUNDAN, VELLAYATH HOUSE(ASWATHY)  
MURIYAD (PO), IRINJALAKUDA, THRISSUR
2. MUKUNDAN AGED 65 YEARS  
S/O. KRISHNAN NAIR, VELLAYATH HOUSE(ASWATHY)  
MURIYAD (PO), IRINJALAKUDA, THRISSUR
3. PARVATHY AGED 54 YEARS  
WIFE OF MUKUNDAN, VELLAYATH HOUSE(ASWATHY)  
MURIYAD (PO), IRINJALAKUDA, THRISSUR

BY ADV. SRI.P.BHASKARAN

RESPONDENT(S)/COMPLAINANTS:

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1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM PIN 682 011
2. THE SUB INSPECTOR OF POLICE, NENMARA, PALAKKAD DISTRICT
3. PRAJITHA T, AGED 28 YEARS  
D/O. MOHANAN, THEJASS, VELAMANDHAM  
AYILOOR, NENMARA (P.O), PALAKKAD DISTRICT

R3 BY ADV. SRI.BINOY VASUDEVAN

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

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

Crl.MC.No. 5642 of 2015 ()  
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APPENDIX

PETITIONER(S)' EXHIBITS  
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ANNEXURE A1 TRUE COPY OF THE FIR NO 435/2012 DATED 17-05-2012

ANNEXURE A2 TRUE COPY OF THE JUDGEMENT IN O.P NO. 899/2013 DATED  
16-06-2014

ANNEXURE A3: TRUE COPY OF THE JOINT COMPROMISE PETITION DATED  
10-08-2015

ANNEXURE A4: TRUE COPY OF THE JOINT COMPROMISE PETITION DATED  
10-08-2015

ANNEXURE A5: TRUE COPY OF THE JOINT COMPROMISE PETITION IN M.C  
84/2012

ANNEXURE A6: TRUE COPY OF THE JOINT COMPROMISE PETITION IN O.P NO  
1385/2012

ANNEXURE A7: TRUE COPY OF THE SWORN AFFIDAVIT DUELY SIGNED BY THE  
3RD RESPONDENT DATED 11-08-2015

ANNEXURE A8 TRUE COPY OF THE FINAL REPORT IN C.C 1748/2012 17-05-2012

RESPONDENT(S)' EXHIBITS  
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/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
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**Crl.M.C No.5642 of 2015**  
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**Dated this the 19<sup>th</sup> August, 2015**

**ORDER**

The petitioners herein are the three accused in C.C No.1748 of 2012 of the Judicial First Class Magistrate's Court, Alathur. 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 read with 34 of Indian Penal Code on the complaint of one Prajitha, who is the 3<sup>rd</sup> 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have decided to part ways. All the connected cases stand settled. In such a situation, it is appropriate that this proceeding also be closed.

3. 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.1748 of 2012 of the Judicial First Class Magistrate's Court, Alathur 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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/True copy/

P.S to Judge