

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. 5648 of 2015 ()

AGAINST CC 1436/2012 of J.M.F.C.,VADAKARA
CRIME NO. 785/2012 OF VATAGARA POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED 1 TO3:

1. BALAKRISHNAN AGED 48 YEARS
S/O CHATHU NAIR, PALLIYATH , POOLAKKOOL PO
KAKKATTIL, KOZHIKODE DISTRICT.
2. AMMALU AMMA
W/O CHATHU NAIR, PALLIYATH , POOLAKKOOL PO
KAKKATTIL, KOZHIKODE DISTRICT
3. RAJEEV
S/O CHATHU NAIR, PALLIYATH , POOLAKKOOL PO
KAKKATTIL, KOZHIKODE DISTRICT

BY ADV. SMT.K.LASITHA

RESPONDENT(S)/COMPLAINANT & STATE:

1. BEENA, AGED 38 YEARS,
D/O KRISHNAN NAIR, KANDOTH, CHEMMARATHUR
VATAKARA, KOZHIKODE DISTRICT -673 521.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SMT.T.T.JAYANTHY
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. 5648 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE COMPLAINT FILED BY 1ST RESPONDENT
BEFORE S.I OF POLICE VATAKARA

ANNEXURE A2: CERTIFIED COPY OF THE FIR 785/12 SUBMITTED BY THE SUB
INSPECTOR OF POLICE, VATAKARA

ANNEXURE A3: FINAL REPORT DT. 8/8/12 IN FIR NO. 785 /12 OF REGISTERED
BEFORE THE SUB INSPECTOR OF POLICE VATAKARA

ANNEXURE A4: 161 STATEMENT OF THE WITNESS FILED BY THE SI OF POLICE
VATAKARA

ANNEXURE A5: A JOINT COMPROMISE PETITION SIGNED BY THE PETITIONERS
AND THE 1ST RESPONDENT

ANNEXURE A6: AFFIDAVIT OF RESPONDENT NO. 1

RESPONDENT(S)' EXHIBITS

/TRUE COPY

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5648 of 2015**  
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Dated this the 19th August, 2015

ORDER

The petitioners herein are the three accused in C.C No.1436 of 2012 of the Judicial First Class Magistrate's Court, Vatakara. 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. 498A, 406, 503 and 506 (2) read with 34 of Indian Penal Code on the complaint of one Beena, who is the 1st 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 marriage stands dissolved by a decree of divorce, and that the whole matrimonial dispute stands resolved forever. It is submitted that the victim has remarried and she is now leading a happy matrimony. In such a situation, it is appropriate that

the pending prosecution 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.1436 of 2012 of the Judicial First Class Magistrate's Court, Vatakara 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