

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 5799 of 2015

IN CC 1030/2015 of JUDL. FIRST CLASS MAGISTRATE COURT,
NJARAKKAL
CRIME NO. 1109/2012 OF NARAKKAL POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED:

1. NIRMAL BABU, AGED 31 YEARS,
S/O. LATE BABU A., THADATHIL HOUSE,
ELAMKUNNAPUZHA,
ERNAKULAM DISTRICT - 682 503.
2. K.P. RAJAMMA BABU, AGED 70 YEARS,
W/O. LATE A. BABU, THADATHIL HOUSE,
ELAMKUNNAPUZHA,
ERNAKULAM DISTRICT - 682 503.

BY ADV. SRI.SONY VINCENT

RESPONDENTS/DEFACTO COMPLAINANT:

1. JISMY JACOB, AGED 26 YEARS,
D/O. JACOB N.A., NARIKULAM HOUSE, NEDUNGAD,
NAYARAMBALAM, ERNAKULAM DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SMT.M.K.SHIMI

R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.M.C.No. 5799 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1109/2012 OF NJARAKKAL POLICE STATION, ERNAKULAM

ANNEXURE AII: COPY OF THE COMPLAINT DATED 5.7.2012

ANNEXURE AIII: COPY OF THE FINAL REPORT IN CRIME NO.1109/2012 OF NJARAKKAL POLICE STATION, ERNAKULAM

ANNEXURE AIV: COPY OF THE MEDIATION AGREEMENT.

ANNEXURE AV: COPY OF THE AFFIDAVIT FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, ERNAKULAM IN O.P NO.180/2015.

ANNEXURE AVI: AFFIDAVIT DATED 4.8.2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5799 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1030/2015 of the Judicial First Class Magistrate Court, Njarakkal. 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 Jismy Jacob 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. 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. 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.1030/2015 of the Judicial First Class Magistrate Court, Njarakkal 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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