

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

Crl.MC.No. 5842 of 2015 ()

AGAINST CC 1272/2014 of J.M.F.C.-I, NEYYATTINKARA
CRIME NO. 1160/2012 OF NEYYATTINKARA POLICE STATION ,
THIRUVANANDAPURAM

PETITIONER(S)/A1-4:

1. SREEKANTH AGED 31 YEARS
S/O.SUKUMARAN, VALIYAVILLA, PUTHENVEEDU
VAZUTUHOOR, NEYATTINKARA, TRIVANDRUM.
2. SREEKALA AGED 49 YEARS
D/O.NALINI, VALIYAVILLA PUTHENVEEDU
VAZUTUHOOR NEYATTINKARA, TRIVANDRUM.
3. SUKUMARAN AGED 73 YEARS
S/O.KUJAN, PANICKER, VALIYAVILLA
PUTHANVEEDU, VAZUTUHOOR, NEYATTINKARA
TRIVANDRUM.
4. UNNIRAJ AGED 55 YEARS
S/O.NARAYANAN, VALIYAVILLA, PUTHANVEEDU
VAZUTUHOOR, NEYYATTINKARA, TRIVANDRUM.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. S.L.SABITHA, AGED 28 YEARS
D/O.LATHIKA, VADAKKEKARA PUTHANVEEDU, MAVUVILLA
MULLAMAPALLIKONNAM, TRIVANDRUM-695133.
3. SAJUKUMAR, AGED 57 YEARS
S/O.CHELLAPPAN VADAKKEKARA PUTHANVEEDU, MAVUVILLA
MULLAMAPALLIKONNAM, TRIVANDRUM-695133.

R2,3 BY ADV. SRI.V.VINAR

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

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

Crl.MC.No. 5842 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1 : TRUE COPY OF THE FIR NO.1160/12 OF NEYYATTINKARA POLICE STATION.

ANNEXURE 2 : TRUE COPY OF THE FINAL REPORT IN CC 1272/14 PENDING BEFORE JFCM-1 COURT NEYYATTINKARA.

ANNEXURE 3 : TRUE COPY OF THE COMPROMISE PETITION FILED BY THE 1ST PETITIONER AND R2 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM.

ANNEXURE 4 : AFFIDAVIT SIGNED BY R2.

ANNEXURE 5: AFFIDAVIT SIGNED BY R3.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5842 of 2015**  
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Dated this the 21st August, 2015

ORDER

The petitioners herein are the four accused in C.C No.1272 of 2014 of the Judicial First Class Magistrate Court-I, Neyyattinkara. 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 and 323 read with 34 of Indian Penal Code on the complaint of one Sabitha, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She and the other victim have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now.

2. The victim as regards offence under Sections 323 I.P.C is the 3rd respondent. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, that she has received everything due from her husband, and that the parties have decided to part-ways.

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.1272 of 2014 of the Judicial First Class Magistrate's Court, Neyyattinkara 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