

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Crl.MC.No. 5851 of 2015 ()

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CC 922/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PATHANAMTHITTA
CRIME NO. 1243/2012 OF ARANMULA POLICE STATION, PATHANAMTITTA DISTRICT
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PETITIONERS/ACCUSED:

- 1. ANU EAPEN, AGED 37 YEARS
S/O. EAPEN CHAKO, VELLAPPARAVILAYIL VEEDU
KURAMPALA VILLAGE, ADOOR TALUK
PATHANAMTHITTA**
- 2. SOSAMMA EAPEN, 62 YEARS, W/O. EAPEN CHAKO
VELLAPPARAVILAYIL VEEDU
KURAMPALA VILLAGE, ADOOR TALUK
PATHANAMTHITTA**
- 3. EAPEN CHACKO, AGED 63 YEARS
VELLAPPARAVILAYIL VEEDU
KURAMPALA VILLAGE, ADOOR TALUK
PATHANAMTHITTA**

BY ADV. SRI.SYAM J SAM

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM**
- 2. SMITHA P MATHEW, AGED 25 YEARS
D/O. VARGHESE MATHEW, PUTHIYAKATHU
HOUSE, EDAPPARIYARAM P.O.
ELANTHOOR VILLAGE, KOZHENCHERI THALUK
PATHANAMTHITTA DISTRICT-689645**

**BY ADV. SMT. KRISHNA RAJENDRAN
BY PUBLIC PROSECUTOR SMT. REMA R.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 CERTIFIED COPY OF THE CHARGE SHEET IN C.C.No.922/2014
ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, PATHANAMTHITTA**

**ANNEXURE A2 AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.5851 of 2015

Dated this the 31st day of August, 2015

O R D E R

The petitioners herein are the accused in C.C.No.922/2014 of the Judicial First Class Magistrate Court-I, Pathanamthitta. 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 Section 34 IPC, on the complaint of one Smitha P Mathew, who is the 2nd 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. The victim's affidavit shows that the marriage stands dissolved by a decree of divorce dated 07.08.2014, and the whole matrimonial dispute stands resolved forever.

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. 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.922/2014 of the Judicial First Class Magistrate Court-I, Pathanamthitta 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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