

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

CrI.MC.No. 5876 of 2015 ()

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CC 345/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, NORTH PARAVUR
CRIME NO. 684/2008 OF MUNAMBAM POLICE STATION, ERNAKULAM DISTRICT
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PETITIONERS/ACCUSED 1 TO 4:

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- 1. GOPALAKRISHNAN, AGED 51 YEARS
S/O.RAJAN, KOCHAMURI, CONVENT WEST
PALLIPRAM KARA, PALLIPRAM VILLAGE**
 - 2. GEETHA, AGED 46 YEARS
W/O.UNNIKRISHNAN, PEEDIACKAPARAMBIL VEEDU
KEDAMANGALAM KARA, PARAVOOR VILLAGE**
 - 3. SHYLA, AGED 44 YEARS
W/O.RADHAKRISHNAN, KORASSERY VEEDU
KOVILAKATHUMKADAVU BHAGOM, PALLIPRAM KARA
PALLIPRAM VILALGE**
 - 4. SARASA, AGED 66 YEARS
D/O.KARUPPAN, MANAPPURATHU VEEDU, NEAR POLICE STATION
NJARAKKAL KARA, NJARAKKAL VILLAGE**

BY ADV. SMT.DIJI.K.DASAN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
(CRIME NO 794 OF 2008 OF MUNAMBAM POLICE STATION
ERNAKULAM DISTRICT)**
 - 2. SUNITHA, AGED 44 YEARS
W/O.GOPALAKRISHNAN, KOCHAMURI, CONVENT WEST
PALLIPRAM KARA, PALLIRAM VILLAGE**
- R2 BY ADV. SMT.R.LEELA
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1:- CERTIFIED COPY OF THE FIR IN CRIME NO 684 OF 2008 OF
MUNAMBAM POLICE STATION DTD 18/12/08**

**ANNEXURE A2:- CERTIFIED COPY OF THE FINAL CHARGE SUBMITTED BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, NORTH
PARAVUR IN CC NO 345 OF 2015**

**ANNEXURE A3:- AFFIDAVIT SWORN BY THE 2ND RESPONDENT /DEFACTO
COMPLAINANT IN CRIME NO 684 OF 2008 OF MUNAMBAM
POLICE STATION**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.5876 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.345/2015 of the Judicial First Class Magistrate Court, North Paravur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Final report in this case was submitted under Sections 341, 323 and 498A IPC read with Section 34 IPC. The complainant is one Sunitha. She 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 affidavit shows that she has reunited with her husband, and they are now leading a happy matrimonial life. The whole matrimonial dispute stands resolved forever. In such a situation, it is appropriate that the prosecution be closed.

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.345/2015 of the Judicial First Class Magistrate Court, North Paravur 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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