

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Cr1.MC.No. 5930 of 2015

IN C.C NO.90/2014 of JUDL. FIRST CLASS MAGISTRATE COURT III,
KOTTAYAM

CRIME NO. 957/2013 OF KUMARAKOM POLICE STATION, KOTTAYAM

PETITIONERS/ACCUSED 1 TO 3:

1. PRADEESH, AGED 31 YEARS,
S/O.ASHOKAN, PUTHUPARAMBIL HOUSE, KUMARAKOM,
KOTTAYAM DISTRICT.
2. OMANA, AGED 56 YEARS,
W/O.ASHOKAN, PUTHUPARAMBIL HOUSE, KUMARAKOM,
KOTTAYAM DISTRICT.
3. ASHOKAN, AGED 31 YEARS,
PUTHUPARAMBIL HOUSE, KUMARAKOM,
KOTTAYAM DISTRICT.

BY ADVS.SRI.C.A.CHACKO

SMT.C.M.CHARISMA

SMT.MEGHA K.XAVIER

RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE,
KUMARAKOM POLICE STATION
REPRESENTED BY PUBLICPROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SANDHYA, AGED 29 YEARS,
D/O.KUNJUMON, THADATHIL HOUSE,
PAYYAPPADI P.O.PUTHUPPALLY VILLAGE,
KOTTAYAM-686 011

R2 BY ADV. SRI.SEBY JOSEPH

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5930 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF FIR DATED 1.12.2013 IN CRIME NO.957/2013
OF KUMARAKOM POLICE STATION.

ANNEXURE-A2: COPY FINAL REPORT DATED 6.1.14 IN CRIME
NO.957/2013 OF KUMARAKOM POLICE STATION.

ANNEXURE-A3: AFFIDAVIT DATED 25.8.2015 OF 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5930 of 2015

Dated this the 2nd day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.90/2014 of the Judicial First Class Magistrate Court III, Kottayam. 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 406 and 498A r/w 34 of the Indian Penal Code on the complaint of one Sandhya who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the victim has received the things due from her husband and that the parties have parted ways. It appears that the age of the 3rd petitioner, the father-in-law, is seen wrongly stated. Anyway, as regards identity there cannot be any dispute. When the whole dispute stands settled, it is appropriate that the prosecution be quashed.

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.90/2014 of the Judicial First Class Magistrate Court III, Kottayam 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.

**P.UBAID
JUDGE**

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