

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

CrI.MC.No. 5950 of 2015 ()

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CC 439/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PERINTHALMANNA
CRIME NO. 1588/2014 OF PERINTHALMANNA POLICE STATION, MALAPPURAM
DISTRICT
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PETITIONERS/ACCUSED:

- 1. JIBI JOSEPH @ GEORGE, AGED 31 YEARS
S/O. JOSEPH**
- 2. JOSEPH, AGED 76 YEARS, S/O. OUSEPH**
- 3. THANKAMMA, W/O. JOSEPH, AGED 58 YEARS**
- 4. BIBIN JOSEPH, S/O. JOSEPH**

**(ALL ARE RESIDING AT UPPU VEETIL, THAZHEKODE, PERINTHALMANNA
MALAPPURAM DISTRICT)**

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE:

- 1. JINU @ MARRY, AGED 27 YEARS, D/O. SCARIA
KOCHUPURAKKAL HOUSE, PULAMANTHOLE-679323
PERINTHALMANNA, MALAPPURAM DISTRICT**
- 2. STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM – 682 031
(IN CRIME NO. 1588/2014 OF PERINTHALMANNA POLICE STATION IN
MALAPPURAM DISTRICT)**

R1 BY ADV. SRI.K.C.ANTONY MATHEW

R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.1588/2014 OF PERINTHALMANNA POLICE STATION**

**ANNEXURE A2 THE AFFIDAVIT DATED 24.08.2015 SWORN IN BY THE 1ST
RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.5950 of 2015

Dated this the 4th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C.No.439/2015 of the Judicial First Class Magistrate Court-I, Perinthalmanna. 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 406 read with 34 IPC on the complaint of one Jinu @ Marry, 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. The victim's affidavit shows that the whole dispute stands resolved forever, and she has obtained divorce by decree. She has also obtained whatever benefits and things due from her husband, on divorce. In such a situation, it is appropriate that the whole prosecution be quashed. Otherwise, continuance of prosecution may cause embarrassment to both the parties.

3. 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, and I am satisfied that the parties are now on quite cordial terms. 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.439/2015 of the Judicial First Class Magistrate Court-I, Perinthalmanna 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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