

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Crl.MC.No. 5956 of 2015 ()

**CC 2085/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM
CRIME NO. 62/2010 OF SAKTHIKULANGARA POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED:

**BABU, AGED 48 YEARS,
S/O.PHILIP, KRAN DAIL, KSEB NAGAR 207,
VALLIKEEZHU, KANNIMEL CHERRY, SAKTHIKULANGARA,
KOLLAM.**

BY ADV. SRI.SAJU J PANICKER

RESPONDENT(S)/STATE/DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
(SUB INSPECTOR OF POLICE
SAKTHIKULANGARA POLICE STATION, CRIME NO.62/2010)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. KUNJUMOL, AGED 42 YEARS
D/O.RAJITHA, RESIDING AT KIRAN DAIL, KSEB NAGAR,
207, VALLIKEEZHU, KANNIMEL,
SAKTHIKULANGARA, KOLLAM.691 001.**

**R2 BY ADV. SRI.JOSE ANTONY
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

Crl.MC.No. 5956 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A1- THE CERTIFIED COPY OF THE F.I.R IN CRIME NO.62/2010 OF
SAKTHIKULANGARA POLICE STATION.**

**ANNEXURE A2- THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.62/2010
OF SAKTHIKULANGARA POLICE STATION, KOLLAM.**

ANNEXURE A3- THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Crl.M.C.No.5956 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C. No.2085/2015 of the Judicial First Class Magistrate Court-II, Kollam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 498A on the complaint of one Kunjumol, 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 affidavit shows that the whole matrimonial dispute stands resolved. It is submitted that she has re-united with his husband, and that they are now leading a very happy matrimony. In such a situation, 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 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 petitioner herein in C.C. No.2085/2015 of the Judicial First Class Magistrate Court-II, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

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