

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Crl.MC.No. 6042 of 2015 ()

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CC 218/2015 of JUDICIAL MAGISTRATE OF FIRST CLASS, ATTINGAL (TEMPORARY)
CRIME NO. 153/2012 OF KILIMANOOR POLICE STATION, THIRUVANANTHAPURAM
DISTRICT
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PETITIONERS/ACCUSED:

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- 1. JIJIN DAS @ JITHIN DAS, AGED 29 YEARS
S/O.MARIA DAS, 'DAS BHAVAN, KARUVALLIYADU
KARETTU VAMANAPURAM, CHIRAYINKEEZHU TALUK
THIRUVANANTHAPURAM**
 - 2. SUSEELA, AGED 61 YEARS
W/O.MARIA DAS, -DO-**
 - 3. JEENA, AGED 25 YEARS
D/O.MARIA DAS, -DO-**

BY ADV. SMT.SREEKALA KRISHNADAS

RESPONDENTS/COMPLAINANT AND STATE:

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- 1. PRIYA, D/O.YOHANNAN AND W/O.JIJIN DAS @ JITHIN DAS
DAS BHAVAN, KARUVALLIYADU, KARETTU VAMANAPURAM
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM 695304**
 - 2. STATE OF KERALA
REP BY THE SUB INSPECTOR OF POLICE
KILIMANOOR POLICE STATION
THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031**

**R1 BY ADV. SMT.N.U.DEEPA
R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

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

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1:-CERTIFIED COPY OF COMPLAINT DTD 17/2/2012 BY THE IST
RESPONDENT**

**ANNEXURE A2:-CERTIFIED COPY OF THE FIR IN CRIME NO 153/2012 OF KILIMANOOR
POLICE STATION, THIRUVANANTHAPURAM**

**ANNEXURE A3:-CERTIFIED COPY OF FINAL REPORT IN CC NO 218/2015 OF
TEMPORARY COURT OF JFCM COURT, ATTINGAL**

ANNEXURE A4:-AFFIDAVIT EXECUTED BY RESPONDENT NO. 1

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6042 of 2015

Dated this the 9th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C. No.218/2015 of the Temporary Court of Judicial First Class Magistrate Court, Attingal. 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 34 IPC, on the complaint of one Priya, 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/have no grievance or complaint now. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, that she has re-united with her husband, and that they are 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, 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 petitioner herein in C.C. No.218/2015 of the Temporary Court of Judicial First Class Magistrate Court, Attingal 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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