

**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. 6054 of 2015 ()**

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CC 1366/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,ATTINGAL  
CRIME NO. 1230/2011 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM  
DISTRICT  
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**PETITIONERS/ACCUSED:**

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- 1. DR.SHINE BABU, AGED 35 YEARS  
S/O.BABU, 'KUKKU', NEAR GOVT.GIRLS HIGH SCHOOL  
PALACE ROAD, ATTINGAL, THIRUVANANTHAPURAM.**
  - 2. BABU, S/O.NARAYANAN, AGED 60 YEARS, 'KUKKU'  
NEAR GOVT.GIRLS HIGHSCHOOL  
PALACE ROAD, ATTINGAL, THIRUVANANTHAPURAM.**
  - 3. CHITHRA BABU, AGED 52 YEARS  
D/O.RAJAMMA, 'KUKKU', NEAR GOVT.GIRLS HIGH SCHOOL  
PALACE ROAD, ATTINGAL, THIRUVANANTHAPURAM.**

**BY ADV. SRI.LIJU. M.P**

**RESPONDENTS/DEFACTO COMPLAINANT AND COMPLAINANT:**

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- 1. PREETI KAMALAN, AGED 28 YEARS  
W/O.SHINE C.BABU, VILLA NO.31, JADE GARDEN VILLA  
SKY LANE, PEYAD, VILAPPIL VILLAGE  
THIRUVANANTHAPURAM.**
  - 2. STATE OF KERALA  
REP. BY SUB INSPECTOR OF POLICE  
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM  
REP. BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.JOSEPH SEBASTIAN (KOLLAM)  
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**  
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**ANNEXURE-A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1230/2011 OF  
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM.**

**ANNEXURE-B: ORIGINAL AFFIDAVIT DATED 31.8.2015 EXECUTED BY THE IST  
RESPONDENT/ DEFACTO COMPLAINANT.**

**RESPONDENTS' EXHIBITS**  
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**NIL**

**TRUE COPY**

**P.A. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.6054 of 2015  
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Dated this the 9<sup>th</sup> day of September, 2015

O R D E R

The petitioners herein are the accused in C.C. No.1366/2012 of the Judicial First Class Magistrate Court-I, 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 IPC, on the complaint of one Preeti Kamalan, who is the 1<sup>st</sup> 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, that she has reunited with her husband in matrimony, and 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, 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.1366/2012 of the Judicial First Class Magistrate Court-I, 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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