

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. 6055 of 2015 ()

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CC 580/2015 of JUDICIAL FIRST CLASS MAGISTRATE (TEMPORARY) COURT,
PARAVUR
CRIME NO. 1473/2011 OF CHATHANNOOR POLICE STATION , KOLLAM DISTRICT
=====**

PETITIONER/ACCUSED NOS.1 TO 3:

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- 1. MR. BIJULAL.B, AGED 34 YEARS
S/O.BHASKARAN UNNITHAN
RESIDING AT VELAYUDHAMANDIRAM, NEDUMPANA P.O.
NEDUMPANA VILLAGE, KOLLAM.**
 - 2. SMT.KRISHNAKUMARI, AGED 55 YEARS
W/O.BHASKARAN UNNITHAN, RESIDING AT VELYUDHAMANDIRAM
NEDUMPANA, P.O.NEDUMPANA VILLAGE, KOLLAM.**
 - 3. SMT.BINDHU, AGED 31 YEARS
D/O.BHASKARAN UNNITHAN, RESIDING AT VELYUDHAMANDIRAM
NEDUMPANA P.O., NEDUMPANA VILLAGE, KOLLAM.**

**BY ADVS.SRI.S.SREEKUMAR (KOLLAM)
SRI.PINTU.V.**

RESPONDENT/STATE AND DEFACTO COMPLAINANT:

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- 1. THE STATE OF KERALA
REPRESENTED THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH THE SUB INSPECTOR OF POLICE
CHATHANNOOR POLICE STATION, KOLLAM DISTRICT.**
 - 2. SMT.RAKHI RAJAN, AGED 28 YEARS
D/O.SYAMALA, RESIDING AT RAJI BHAVANAM, ERUMPANANGADU
P.O.EZHUKONE, NEDUVATHOOR VILLAGE, KOTTARAKKARA TALUK
KOLLAM DISTRICT.**

**R2 BY ADV. SRI.S.BIJU (KIZHAKKANELA)
R1 BY PUBLIC PROSECUTOR REMA R.**

**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: A TRUE COPY OF THE FIR IN CRIME NO.1473 OF 2011 OF CHATHANNOOR POLICE STATION.

ANNEXURE-A2: A CERTIFIED COPY OF THE CHARGE IN C.C. NO.580 OF 2015 ON THE FILE OF THE JFMC (TEMPORARY) COURT PARAVUR, KOLLAM DISTRICT.

ANNEXURE-A3: A TRUE COPY OF THE AFFIDAVIT DATED 13TH AUGUST 2015, HAS BEEN SWORN BY THE SECOND RESPONDENT BEFORE THIS HON'BLE COURT.

ANNEXURE-A4: A TRUE COPY OF THE ORDER IN O.P (HMA) NO.1248/2012(JOINT PETITION) OF THE HON'BLE FAMILY COURT, KOLLAM.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6055 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.580/2015 of the Judicial First Class Magistrate Court (Temporary), Paravur, Kollam District. 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 Rakhi Rajan, 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 victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by a decree of divorce. Copy of the said decree is also produced in court. All the dues also stand settled. 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.580/2015 of the Judicial First Class Magistrate Court (Temporary), Paravur, Kollam District 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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