

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.MC.No. 6070 of 2015 (E)

C.C.NO. 668/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MANNARKKAD

CRIME NO. 195/2014 OF KALLADIKKODE POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED :-

1. RINESH.P.R, AGED 30 YEARS,
S/O.RAMAKRISHNAN, PADIPPURAKKATTIL VEEDU, PANAYAMPADAM,
KARIMBA PO, MANNARKKAD TALUK, PALAKKAD DISTRICT
2. RAMAKRISHNAN, AGED 66 YEARS,
S/O.CHAMI, PADIPPURAKKATTIL VEEDU, PANAYAMPADAM,
KARIMBA PO, MANNARKKAD TALUK, PALAKKAD DISTRICT.
3. MEENAKSHI, AGED 56 YEARS,
W/O.RAMAKRISHNAN, PADIPPURAKKATTIL VEEDU, PANAYAMPADAM,
KARIMBA PO, MANNARKKAD TALUK, PALAKKAD DISTRICT.
4. REENA, AGED 39 YEARS,
W/O.VIJAYAN, PADIPPURAKKATTIL VEEDU, PANAYAMPADAM,
KARIMBA PO, MANNARKKAD TALUK, PALAKKAD DISTRICT.

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S)/COMPLAINANT & STATE :-

1. SOUMYA.K.K, AGED 24 YEARS,
D/O.KRISHNAKUMAR, KUTTIKATTIL HOUSE, EDAKKURISSI,
KARIMBA PO, MANNARKKAD TALUK, PALAKKAD DISTRICT.
2. STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
KALLADIKKODE POLICE STATION, PALAKKAD,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 6070 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE - A : CERTIFIED COPY OF THE COMPLAINT IN CC.NO.668/2014 ON THE
FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
MANNARKKAD.**

**ANNEXURE - B : CERTIFIED COPY OF THE FINAL REPORT FILED IN CRIME
NO.195/2014 OF KALLADIKKODE POLICE STATION, PALAKKAD.**

ANNEXURE - C : TRUE COPY OF THE AGREEMENT DATED 24.12.2014.

**ANNEXURE - D : PHOTOCOPY OF NOTARISED AFFIDAVIT DATED 21.08.2015
EXECUTED BY THE 1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6070 of 2015
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Dated this the 23rd day of September, 2015

ORDER

The petitioners herein are the four accused in C.C.No.668 of 2014 of the Judicial First Class Magistrate Court, Mannarkkad. 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 of the Indian Penal Code on the complaint of one Soumya K.K., 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.

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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that her claims also stand settled. The parties have already filed an application for divorce under Section 13(B) of the Hindu Marriage Act in terms of the settlement. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in 2014 of the Judicial First Class Magistrate Court, Mannarkkad 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

rkj

//TRUE COPY//

P.A. TO JUDGE