

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Crl.MC.No. 6085 of 2015 ()

**CC 1089/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 657/2014 OF MULANTHURUTHY POLICE STATION , ERNAKULAM DISTRICT**
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PETITIONERS/ACCUSED NO'S 1 TO 3:

- 1. SUNIL, AGED 33 YEARS
S/O.RAMAKRISHNAN, KADAVILTHAZHATHU HOUSE
PAINUMKALPARA, MULANTHURUTHY VILLAGE
ERNAKULAM DISTRICT.**
- 2. RAMAKRISHNAN, AGED 66 YEARS
S/O.KUTTAPPAN, KADAVILTHAZHATHU HOUSE, PAINUMKALPARA
MULANTHURUTHY VILLAGE, ERNAKULAM DISTRICT.**
- 3. LEELA, AGED 58 YEARS
W/O.RAMAKRISHNAN, KADAVILTHAZHATHU HOUSE
PAINUMKALPARA, MULANTHURUTHY VILLAGE
ERNAKULAM DISTRICT.**

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENTS:

- 1. NAYANA, AGED 20 YEARS
D/O.RAVI, KAVINISSERIL HOUSE, KAROORKARA
MANEED VILLAGE, ERNAKULAM DISTRICT.682 314.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.682 031.**

**R1 BY ADV. SRI.S.V.SIKHIL MON
R2 BY PUBLIC PROSECUTOR SMT. REMA R.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1- CERTIFIED COPY OF THE F.I. STATEMENT.

ANNEXURE A2- CERTIFIED COPY OF THE F.I.R.

ANNEXURE A3- CERTIFIED COPY OF THE FINAL REPORT.

ANNEXURE A4- AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6085 of 2015

Dated this the 10th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C.1089/2014 of the Judicial First Class Magistrate Court, Piravom. 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 and 34 IPC, on the complaint of one Nayana, 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, that she and her husband have decided to part ways, and that they have accordingly filed a joint application for divorce before the Family Court. In such a situation, it is appropriate that the prosecution be quashed.

3. 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 petitioners herein in C.C.1089/2014 of the Judicial First Class Magistrate Court, Piravom 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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