

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Cr1.MC.No. 6095 of 2015

IN CRMP 5010/2015 of J.M.F.C., KUNNAMKULAM DATED
CRIME NO. 1213/2015 OF KUNNAMKULAM POLICE STATION , TRISSUR

PETITIONERS/ACCUSED NO.1 & 2:

1. BIJOY, AGED 41 YEARS,
S/O.PUTHOOR VEETIL KURIAKOSE, AKKIKAVU VILLAGE,
PORKKULAM PANCHAYATH, THALAPPILLY TALUK,
THRISSUR DISTRICT.
2. BABY KURIAKOSE, AGED 68 YEARS,
W/O.PUTHOOR VEETIL KURIAKOSE, AKKIKAVU VILLAGE,
PORKKULAM PANCHAYATH, THALAPPILLY TALUK,
THRISSUR DISTRICT.

BY ADVS.SRI.THIYYANNOOR RAMAKRISHNAN
SRI.ARUN KUMAR.P
SMT.AMBIKA RADHAKRISHNAN

RESPONDENTS/STATE/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY SI OF POLICE,
KUNNAMKULAM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.
2. ANN MARIA @ ANNA MARIA, AGED 28 YEARS,
D/O.ANITHA, CHEMMANNOOR HOUSE,
KUNNAMKULAM VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT-680 503.

R2 BY ADV. SRI.M.I.JOHNSON
R2 BY ADV. SRI.T.K.MOIDEEN KUTTY
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
15-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6095 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1 : COPY OF THE COMPLAINT IN CRIMINAL M.P. 5010/2015
DT 19-6-2015 FILED BEFORE THE JFCM COURT, KUNNAMKULAM.

ANNEXURE 2 : CERTIFIED COPY OF THE FIR IN CRIME NO.1213/2015
OF KUNNAMKULAM POLICE STATION.

ANNEXURE 3 : COPY OF RELEVANT PAGES OF PASSPORT OF THE 1ST
PETITIONER.

ANNEXURE 4 : COPY OF THE ORDER OF THIS COURT IN BAIL
APPLICATION NO.3676 OF 2015 PREFERRED BY PETITIONERS.

ANNEXURE 5 : COPY OF THE STATEMENT SUBMITTED BY PETITIONER
BEFORE THE 1ST RESPONDENT.

ANNEXURE 6 : COPY OF OP 1504/2014 FILED BY THE 1ST PETITIONER
BEFORE THE HONOURABLE FAMILY COURT, THRISSUR.

ANNEXURE 7 : COPY OF THE INVITATION CARD OF MARRIAGE BETWEEN
THE 1ST PETITIONER AND 2ND RESPONDENT.

ANNEXURE 8 : COPY OF THE FINAL REPORT IN C.C NO.2564/2015 OF
THE J.F.C.M KUNNAMKULAM

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6095 of 2015

Dated this the 15th day of December, 2015

O R D E R

The petitioners herein are the two accused in C.C No.2564/2015 of the Judicial First Class Magistrate Court, Kunnankulam. 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 Sections 498A and 406 of the Indian Penal Code on the complaint of one Ann Maria @ Anna Maria, who is the second 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 the prosecution 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have parted ways in terms of the settlement. It is submitted that the marriage stands dissolved. Thus, the whole dispute stands resolved forever, and the claims also stand settled. 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 C.C No.2564/2015 of the Judicial First Class Magistrate Court, Kunnankulam 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

//True Copy//

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P.A to Judge