

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

CrI.MC.No. 6116 of 2015 ()

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CC 1411/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KATTAKADA
CRIME NO. 553/2011 OF MALAYINKIL POLICE STATION , THIRUVANANTHAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED 1 TO 5:

- 1. DEEPU, AGED 36 YEARSS/O. VISWAPPAN
NAGA VILASOM BUNGLOW, ANDUKODU VILLAGE
KANYAKUMARI DISTRICT**
- 2. VISWAPPAN, AGED 69 YEARS, S/O. LATE KESAVAN
NAGA VILASOM BUNGLOW, ANDUKODU VILLAGE
KANYAKUMARI DISTRICT**
- 3. VALSALA DEVI, AGED 59 YEARS, W/O. VISWAPPAN
NAGA VILASOM BUNGLOW, ANDUKODU VILLAGE
KANYAKUMARI DISTRICT**
- 4. DHANUSH, AGED 35 YEARS, S/O. VISWAPPAN
NAGA VILASOM BUNGLOW, ANDUKODU VILLAGE
KANYAKUMARI DISTRICT**
- 5. DEEPTHI, AGED 37 YEARS, D/O. VALSALADEVI
NAGA VILASOM BUNGLOW, ANDUKODU VILLAGE
KANYAKUMARI DISTRICT**

BY ADV. SRI.T.N.SURESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
- 2. ANJU MOHAN, AGED 32 YEARS, D/O. MOHAN
THIRUVONAM VEEDU, VP 16/396, VILAVOORKKAL
PANCHAYATH, PERUKAVU P.O., KATTAKADA TALUK,
THIRUVANANTHAPURAM DISTRICT**

R2 BY ADV. SRI.C.P.PEETHAMBARAN

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.6116/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 COPY OF THE CHARGE SHEET IN C.C.NO.1411/2012 ON THE
FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KATTAKADA**

ANNEXURE A2 AFFIDAVIT DATED 5/9/2015 SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

PA. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.6116 of 2015

Dated this the 11th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C.1411/2012 of the Judicial First Class Magistrate Court, Kattakada. 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 read with 34 IPC, on the complaint of one Anju Mohan, 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 affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the parties have re-united, and that they are now very happy in 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. 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.1411/2012 of the Judicial First Class Magistrate Court, Kattakada 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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