

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Cr1.MC.No. 6149 of 2015

IN C.C NO.512/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -II, ALUVA
CRIME NO. 991/2012 OF ANGAMALI POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

SHAJU
S/O.VARGHESE, VALAPPILAN HOUSE, THURAVOOR (P.O)
ANGAMALY, ERNAKULAM DISTRICT.

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.
2. JISHA,
D/O.LATE MATHAI, PUTHUSSERY HOUSE, KIDANGOOR (P.O)
THURAVOOR VILLAGE, ANGAMALY, ALUVA TALUK,
ERNAKULAM DISTRICT.

R2 BY ADV. SRI.JEEMON JOHN
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6149 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-I: CERTIFIED COPY OF THE F.I.R IN CRIME NO.991/2012
OF ANGAMALY POLICE STATION.

ANNEXURE-II: CERTIFIED COPY OF THE CHARGE SHEET IN C.C.
NO.512/2013 OF J.F.C.M., COURT - II ALUVA.

ANNEXURE-III: COPY OF THE JUDGEMENT IN OP NO.1743/2014 OF
FAMILY COURT, ERNAKULAM DATED 31.3.2015

ANNEXURE-IV: COPY OF THE RECEIPT FOR PAYMENT FOR MONEY AND
GOLD ORNAMENTS, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
ON 31.3.2015.

ANNEXURE-V: COPY OF THE AFFIDAVIT SUBMITTED BY THE 2ND
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6149 of 2015

Dated this the 14th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C No.512/2013 of the Judicial First Class Magistrate Court II, Aluva. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498A of the Indian Penal Code on the complaint of one Jisha who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and the marriage stands dissolved by a decree. In such a situation, it is appropriate that the pending 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 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.512/2013 of the Judicial First Class Magistrate Court II, Aluva will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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