

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6188 of 2015 ()

C.C. NO. 1600/2014 OF JUDICIAL I CLASS MAGISTRATE COURT, CHITTUR, PALAKKAD

CRIME NO. 605/2014 OF KOLLENGODE POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED:

- 1. DEVENDRAN,
S/O.LATE RAJENDRAN, DOOR NO.7/14, 3RD STREET,
SELLAM NAGAR, PILLAYAR KOVIL BACK SIDE,
IDDUVAMPALAYAM POST, MANGALAM ROAD, TIRUPUR,
TAMIL NADU.**
- 2. LAKSHMI,
W/O.LATE RAJENDRAN, DOOR NO.7/14, 3RD STREET,
SELLAM NAGAR, PILLAYAR KOVIL BACK SIDE,
IDDUVAMPALAYAM POST, MANGALAM ROAD, TIRUPUR,
TAMIL NADU.**

BY ADV. SMT.VIJAYAKUMARI

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE,
KOLLENGODE POLICE STATION, PALAKKAD,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31.**
- 2. GREESHMA,
D/O.MURUKESAN, MANGALATHU HOUSE, NADUTHARA,
KADALLUR POST, PALAKKAD - 678 001.**

**R2 BY ADV. SRI.S.KRISHNALAL
R BY PUBLIC PROSECUTOR**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE A1: CERTIFIED COPY OF THE E FIR IN CRIME NO.605/2014 OF
KOLLENGODE POLICE STATION, PALAKKAD.**

**ANNEXURE A2: CERTIFIED COPY OF PRIVATE COMPLAINT IN C.M.P.NO.4012/14
BEFORE THE JUDICIAL I CLASS MAGISTRATE COURT,
CHITTOOR, PALAKKAD DATED 28.05.2014.**

**ANNEXURE A3: CERTIFIED COPY OF FINAL REPORT IN CR.NO.605/14
SUBMITTED BEFORE JFCM, CHITTOOR, PALAKKAD DATED
30.08.14.**

**ANNEXURE A4: COPY OF AGREEMENT AND AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT DATED 31.10.2014.**

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6188 of 2015

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Dated this the 15th day of September, 2015

ORDER

The petitioners herein are the two accused in C.C.No.1600 of 2014 of the Judicial First Class Magistrate Court, Chittoor, Palakkad. 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 323 and 498A IPC on the complaint of one Greeshma, 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.

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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by decree of divorce granted under Section 13(B) of the Hindu Marriage Act. She has no grievance or complaint now. 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.1600 of 2014 of the Judicial First Class Magistrate Court, Chittoor, Palakkad 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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//TRUE COPY//

P.A. TO JUDGE