

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Cri.MC.No. 6200 of 2015 ()

**CC 739/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA
CRIME NO. 440/2014 OF THALIPARAMBA POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. VIJU K, AGED 34 YEARS,
S/O CHANDRAN, KANIYAL HOUSE, CHERUTHAZHAM AMSOM,
VAYALAPRA, KANNUR DISTRICT.**
- 2. SANTHA. K,
W/O CHANDRAN, KANIYAL HOUSE, CHERUTHAZHAM AMSOM,
VAYALAPRA, KANNUR DISTRICT.**
- 3. SHEEBA,
W/O LAKSHMANAN, KOTTOLATH HOUSE, CHERUTHAZHAM AMSOM,
VAYALAPRA, KANNUR DISTRICT.**

BY ADV. SRI.S.U.NAZAR

RESPONDENT(S)/STATE & INJURED:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA COCHIN-682 031.**
- 2. MAHITHA P.P,
D/O MANOHARAN, KOOVERI PO, KOOVERI AMSOM AND DESOM,
THALIPARAMBA TALUK, KANNUR DISTRICT.**

R2 BY ADV. SRI.I.V.PRAMOD

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

Crl.MC.No. 6200 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE I. TRUE COPY OF THE FINAL REPORT IN CIRME NO 440/14 OF
THALIPARAMBA POLICE STATION WHICH IS PENDING AS CC NO.
739/14 OF JFCM, THALIPARAMBA.**

**ANNEXURE 2. AGREEMENT DT. 11/8/15 EXECUTED BETWEEN THE 1ST PETITIONER
AND THE 2ND RESPONDENT.**

ANNEXURE 3. THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DT. 14/8/15

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.6200 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in C.C. No.739/2014 of the Judicial First Class Magistrate Court, Thaliparamba. 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 read with 34 IPC, on the complaint of one Mahitha, 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, and the parties have decided to part ways in terms of the settlement arrived at. 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. No.739/2014 of the Judicial First Class Magistrate Court, Thaliparamba 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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