

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 6246 of 2015 ()

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CC 1/2014 of CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
CRIME No. 1028/2013 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT
=====**

PETITIONERS/ACCUSED 1 TO 3:

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- 1. RAJAN JOSEPH, AGED 36 YEARS
S/O. LATE JOSEPH P.D., PULLUR HOUSE, KOOMAMKULAM P.O.
MANJERI VIA, MALAPPURAM - 676 123.**
 - 2. RAJI JOSEPH, AGED 34 YEARS
W/O. VISHNUMOORTHY
PULLUR HOUSE, KOOMAMKULAM P.O.
MANJERI VIA, MALAPPURAM - 676 123.**
 - 3. SIBI CHACKO, AGED 31 YEARS
S/O.CHACKO, THENGOLIL HOUSE, PALANKARA
KARULAYI P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.LUIZ GODWIN D'COUTH

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
 - 2. SAUMYA VINCENT, AGED 24 YEARS
D/O. VINCENT, KUNNEL HOUSE, KOOMAMKULAM P.O.
MANJERI VIA, MALAPPURAM- 676 123.**
- R2 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.6246/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A COPY OF CHARGE SHEET IN FIR NO.1028/2013 FILED BEFORE THE
CHIEF JUDICIAL MAGISTRATE COURT, MANJERI**

**ANNEXURE B COPY OF THE AFFIDAVIT SWORN BY THE DEFACTO
COMPLAINANT/2ND RESPONDENT SHOWING THE SETTLEMENT**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6246 of 2015

Dated this the 28th day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C.No.1/2014 of the Chief Judicial Magistrate Court, Manjeri. 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 406, 498A and 506(i) read with Section 34 IPC, on the complaint of one Soumya Vincent, 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. Her affidavit shows that the whole dispute in C.C.No.1/2014 of the Chief Judicial Magistrate Court, Manjeri, wherein she is the de facto complainant, stands amicably settled out of court, and that she has no grievance or complaint now. The affidavit also shows that the victim and her husband have re-united in matrimony. It is submitted that they are leading a very happy 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.No.1/2014 of the Chief Judicial Magistrate Court, Manjeri 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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