

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Cr1.MC.No. 6254 of 2015

IN C.C NO. 1816/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
KURUPPAMPADY

CRIME NO. 771/2012 OF KURUPPAMPADY POLICE STATION, ERNAKULAM

PETITIONER/DE-FACTO COMPLAINANT:

PRINCY V.P,
D/O. PAPPACHAN, VALLOORAN VEEDU, KANJOOR POST,
PUTHIYEDAM, ERNAKULAM

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS/ACCUSED & COMPLAINANT:

1. PATHROSE,
SON OF OUSEPH, PAMBRACKARAN HOUSE, ASHAMANNOOR VILLAGE,
PUNNAYAM KARAYIL, KURUPPAMPADI, ERNAKULAM
2. SELINA,
WIFE OF PATHROSE, PAMBRACKARAN HOUSE,
ASHAMANNOOR VILLAGE, PUNNAYAM KARAYIL, KURUPPAMPADI,
ERNAKULAM
3. SHIJI,
WIFE OF SAJI, CHEERAPARAMBAN VEETIL,
KURICHILAKKODE KARAYIL, KODANAD VILLAGE,
ERNAKULAM DISTRICT-683544
4. MERLY,
WIFE OF SAAJI, KALAPPURAKKAL HOUSE,
NELLIKKUZHI KARAYIL, THRIKKAARIYOOR VILLAGE,
NELLIKKUZHI POST, ERNAKULAM DISTRICT
5. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KURUPPAMPADI POLICE STATION,
ERNAKULAM DISTRICT THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

R5 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE JUDGMENT OF THE FAMILY COURT,
MUVATTUPUZHA IN O.P NO.489/2014 DATED 16.4.2015.

ANNEXURE A2: COPY OF THE FIR AND FINAL REPORT IN C.C
NO.1816/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KURUPPAMPADI, ERNAKULAM.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6254 of 2015

Dated this the 18th day of September, 2015

O R D E R

The defacto complainant in C.C No.1816/2014 before the Judicial First Class Magistrate Court, Kuruppumpady, seeks orders quashing the said prosecution brought by her under Section 498A of the Code of Criminal Procedure, on the ground of amicable settlement of the whole dispute out of court. She has also filed affidavit in support of the application. The affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage also stands dissolved by decree. I am well satisfied that the dues also stand settled. In such a situation, it is appropriate that the prosecution be quashed, because continuance of the prosecution will be a sheer waste of time.

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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.1816/2014 before the Judicial First Class Magistrate Court, Kuruppumpady, will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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