

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Crl.M.C.No. 6284 of 2015

C.C.NO.2155/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOCHI

CRIME NO. 1262/2014 OF MARADU POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED :-

1. ASHISH CHAKKALAKKAL, AGED 27 YEARS,
S/O.SUNITHA, FLAT NO.B-5,
JEWEL BAY VIEW APARTMENTS, LANE 44,
JANATHA ROAD, VYTTLA P.O., ERNAKULAM.
2. SUNITHA SABU, AGED 48 YEARS,
W/O.SABU, FLAT NO.B-5,
JEWEL BAY VIEW APARTMENTS, LANE 44,
JANATHA ROAD, VYTTLA P.O., ERNAKULAM.
3. SABU, AGED 52 YEARS,
S/O.THOMAS, FLAT NO.B-5,
JEWEL BAY VIEW APARTMENTS, LANE 44,
JANATHA ROAD, VYTTLA P.O., ERNAKULAM.

**BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.SYAMA MOHAN**

RESPONDENTS/COMPLAINANT & STATE :-

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 682 031.
2. SUB INSPECTOR OF POLICE,
PERAMANGALAM POLICE STATION,
THRISSUR, PIN - 680 001.
3. DONAMOL SOJAN, AGED 25 YEARS,
D/O.V.D.SOJAPPAN, VALIYAPARAMBIL (H),
NEAR ST.MARYS CHURCH, YENDAYAR,
MUNDAKKAYAM, PIN - 686 513.

**R3 BY ADV. SRI.SAM ISAAC POTHYIL
R BY SRI.JUSTIN HAOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.M.C.No. 6284 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : CERTIFIED COPY OF THE FINAL REPORT NO.1262/2014 DATED
06.01.2014 OF MARADU POLICE STATION.**

**ANNEXURE II : TRUE COPY OF THE JOINT PETITION FILED BEFORE THE
HONOURABLE FAMILY COURT, ERNAKULAM.**

ANNEXURE III : AFFIDAVIT OF THE 3RD RESPONDENT DATED 09.09.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6284 of 2015

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Dated this the 22nd day of September, 2015

ORDER

The petitioners herein are the three accused in C.C.No.2155 of 2014 of the Judicial First Class Magistrate Court-I, Kochi. 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 354, 498A and 34 of the Indian Penal Code on the complaint of one Donamol Sojan, who is the 3rd 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 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.

3. The victim's affidavit shows that the whole dispute stand resolved forever. It is submitted that the parties have already filed a joint petition for divorce under Section 13(B) of the Hindu Marriage Act. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.2155 of 2014 of the Judicial First Class Magistrate Court-I, Kochi 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

rkj

//TRUE COPY//

P.A. TO JUDGE