

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Cr1.MC.No. 6308 of 2015

IN CC 126/2014 OF THE ADDL. CHIEF JUDICIAL MAGISTRATE
COURT, ERNAKULAM
CRIME NO. 23/2013 OF PANANGAD POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED NOS.1 TO 3:

1. ARUN GOPINATH, AGED 35 YEARS,
S/O. LATE SRI.GOPINATH,
RESIDING AT SHIBULALAYAM HOUSE, PAZHAVEEDU P.O,
ALAPPUZHA DISTRICT-688 009.
2. PANKAJAM, AGED 60 YEARS,
W/O. LATE SRI.GOPINATH,
RESIDING AT SHIBULALAYAM HOUSE, PAZHAVEEDU P.O.
ALAPPUZHA DISTRICT-688 009.
3. ANSHA P, AGED 36 YEARS,
W/O. LATE SRI.BABURAJ,
RESIDING AT SHIBULALAYAM HOUSE, PAZHAVEEDU P.O,
ALAPPUZHA DISTRICT-688 009.

BY ADVS.SRI.R.NIKHIL
SRI.P.ABDUL RAZAK

RESPONDENTS/STATE & COMPLAINANT:

1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
PANANGAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SHANTI CHANDRAN, AGED 34 YEARS,
D/O. CHANDRAN, RESIDING AT PAVANAPARAMBIL HOUSE,
LOVELAND ROAD, CHOTTANIKARA,
ERNAKULAM DISTRICT-682 312.

R2 BY ADV. SRI.SAJI SANKARAN NAIR
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6308 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I : CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.23/2013 OF PANANGAD POLICE STATION.

ANNEXURE II: A COPY OF THE TERMS OF SETTLEMENT SIGNED BY THE
1ST PETITIONER AND THE 2ND RESPONDENT.

ANNEXURE III: A COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6308 of 2015

Dated this the 23rd day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.126/2014 of the Additional Chief Judicial Magistrate's Court, Ernakulam. 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 498(A), 323 and 406 of the Indian Penal Code on the complaint of one Shanti Chandran who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that her claim also stands settled. The parties have decided to part ways in terms of the settlement. In such a situation, it is appropriate that the prosecution be quashed. It is submitted that the case is now going to be transferred to the newly established Judicial First Class Magistrate Court, Maradu. Even if, the case is transferred, and refiled there, this order will apply.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.126/2014 of the Additional Chief Judicial Magistrate's Court, Ernakulam 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.

**P.UBAID
JUDGE**

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