

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Crl.MC.No. 6327 of 2015 ()

**C.C. NO. 396/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT -I, ALUVA
CRIME NO. 123/2014 OF ALUVA POLICE STATION , ERNAKULAM**

PETITIONERS/ACCUSED:

1. MANUMON, AGED 26 YEARS, S/O. RAJAN, KALIYAMPURATH HOUSE, POOVATHOOR KARA, ERAMALLOOR VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT. PIN: 686 666.
2. RAJAN, AGED 59 YEARS, S/O. KRISHNAN, KALIYAMPURATH HOUSE, POOVATHOOR KARA, ERAMALLOOR VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT. PIN: 686 666.
3. RAJESH, AGED 30 YEARS, S/O. RAJAN, KALIYAMPURATH HOUSE, POOVATHOOR KARA, ERAMALLOOR VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT. PIN: 686 666.

BY ADV. SRI.P.V.KURIACHAN

RESPONDENTS/COLMPLAINANT & STATE:

1. SHANI GEORGE, AGED 27 YEARS, D/O. SHEELA SUBRAMANYAN, VATAPAPILLY HOUSE, KEEZHMADU KARA, ERAMATHALA, ALUVA.
2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.ANIMON A. JOHN

R BY PUBLIC PROSECUTOR ADV. SMT. LILLY LESLIE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6327 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE -A1: CERTIFIED COPY OF THE F.I.R NO. 123/2014 OF ALUVA POLICE
STATION.**

**ANNEXURE -A2: CERTIFIED COPY OF THE CHARGE IN C.C.NO. 396/2015 BEFORE
JUDICIAL FIRST CLASS MAGISTRATE COURT -1, ALUVA.**

ANNEXURE -A3: AFFIDAVIT OF THE DEFACTO COMPLAINANT.

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6327 of 2015
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Dated this the 25th day of September, 2015

ORDER

The petitioners herein are the three accused in C.C.No.396 of 2015 of the Judicial First Class Magistrate Court-I, Aluva. 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, 324, 340, 341 and 294 of the Indian Penal Code on the complaint of one Shani George, who is the 1st 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 matrimonial dispute stand resolved forever. The parties have agreed to part ways, and accordingly, they have filed a joint petition for divorce before the family court. I am satisfied that the dues also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.396 of 2015 of the Judicial First Class Magistrate Court-I, Aluva 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