

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. 6333 of 2015 ()

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CC 1928/2015 of JUDICIAL FIRST CLASS MAGIST. COURT, ANGAMALY
CRIME NO. 691/2015 OF ANGAMALI POLICE STATION, ERNAKULAM DISTRICT
=====**

PETITIONERS/ACCUSED NOS.1 TO 3:

- 1. JIJO, AGED 32 YEARS, S/O. BABY
CHIRAYATH HOUSE, PADUVAPURAM
KARUKUTTY, ERNAKULAM**
- 2. THRESYAMMA, W/O. BABY, AGED 61 YEARS
CHIRAYATH HOUSE, PADUVAPURAM
KARUKUTTY, ERNAKULAM**
- 3. SIMI, W/O. JINOY, AGED 32 YEARS
CHIRAYATH HOUSE, PADUVAPURAM
KARUKUTTY, ERNAKULAM**

BY ADV. SRI.G.SANTHOSH KUMAR (P).

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

- 1. ANITHA, AGED 26 YEARS, W/O. JIJO BABY
MOONJELY HOUSE, KALARKUZH
MOOKKANNOOR P.O., ERNAKULAM -683577**
- 2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 31**

R1 BY ADV. SRI.FRANCO T.J.

R2 BY PUBLIC PROSECUTOR 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.M.C.NO.6333/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-I CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.691/2015 OF
ANGAMALY POLICE STATION**

ANNEXURE-II COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

PA. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6333 of 2015

Dated this the 25th day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C. No.1928/2015 of the Judicial First Class Magistrate Court, Angamaly. 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 Section 498-A read with 34 IPC, on the complaint of one Anitha, 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. The affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have re-united in matrimony. I am well satisfied that the victim has been leading a happy matrimony with her husband. 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.1928/2015 of the Judicial First Class Magistrate Court, Angamaly 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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