

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. 6338 of 2015 ()

**CC 1239/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL
CRIME NO. 399/2013 OF KILIMANOOR POLICE STATION, THIRUVANANTHAPURAM
DISTRICT**

PETITIONERS/DEFACTO COMPLAINANT & ACCUSED:

- 1. SATHYABHAMA, AGED 76 YEARS
D/O. GOVINDAN, MAVILA VEEDU
PEDIKULAM, PULIMATH P.O.
THIRUVANANTHAPURAM DISTRICT**
- 2. ARUNIMA DA, D/O. MOHANDAS
AGED 27 YEARS, 'GOKULAM', PEDIKULAM
VAMANAPURAM DESOM, PULIMATH VILLAGE
CHIRAYINKEEZHU TALUK
THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM**

BY PUBLIC PROSECUTOR SRI. P.K. ABDUL RAHMAN

**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.6338/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 COPY OF THE FINAL REPORT IN CRIME NO.399/2013 OF THE
KILIMANNOOR POLICE STATION**

ANNEXURE A2 AFFIDAVIT DATED 22.08.2015 SWORN BY THE 1ST PETITIONER

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6338 of 2015

Dated this the 25th day of September, 2015

O R D E R

The petitioners herein are mother-in-law and daughter-in-law. They jointly seek orders under Section 482 Cr.P.C., quashing the prosecution wherein the mother-in-law is the defacto complainant and the daughter-in-law is the accused. The offences involved in the case are under Sections 324, 294(b) and 452 IPC. The case is now pending as C.C.No.1239/2013 of the Judicial First Class Magistrate Court-II, Attingal. The defacto complainant and the petitioner have now come to terms, and the whole dispute between them stands settled. The defacto complainant (mother-in-law) has filed an affidavit to the effect that everything stands settled, and she has no grievance or complaint now. It is submitted that the parties are now on quite cordial terms, and are living under the same roof. The connected matrimonial dispute stands also settled.

2. In so many decisions the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have come to terms amicably, and continuance of the prosecution will not serve

any purpose, other than wasting the precious time of the court. Here is such a case where the parties have really settled the whole dispute. Nobody will support the prosecution, if the case goes to trial. In such a situation, it is appropriate that the prosecution be quashed.

In the result, the prosecution against the 2nd petitioner in C.C.No.1239/2013 of the Judicial First Class Magistrate Court-II, Attingal will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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