

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. 6353 of 2015 ()

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CC 352/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOTTARAKKARA
CRIME NO. 2530/2010 OF KOTTARAKKARA POLICE STATION , KOLLAM DISTRICT
=====**

PETITIONER/ACCUSED:

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JAYAKUMAR, AGED 33 YEARS
S/O. THULASEEDHARAN PILLAI
JAYAVILASOM, PANAYARA MURI
UMMANNOOR VILLAGE
KOTTARAKKARA, KOLLAM DISTRICT**

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS/STATE/COMPLAINANT:

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- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM – 682031**
 - 2. STATION HOUSE OFFICER, KOTTARAKKARA
POLICE STATION, KOLLAM DISTRICT – 691506**
 - 3. SOUMYA, AGED 26 YEARS, D/O. SARASWATHYAMMA
SOUMYA BHAVAN, MARANGATTUKONAM MURI
ANDOOR P.O., VALAKOM VILLAGE
KOTTARAKKARA, KOLLAM DISTRICT**

**R3 BY ADV. SMT.CHITHRA R.SHENOY
R1 & R2 BY PUBLIC PROSECUTORSMT. 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.6353/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE NO.1 TRUE COPY OF THE CHARGE SHEET IN C.C.352/2011

ANNEXURE NO.2 AFFIDAVIT FILED BY THE THIRD RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6353 of 2015

Dated this the 25th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C.No.352/2011 of the Judicial First Class Magistrate Court-I, Kottarakara. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498-A IPC, on the complaint of one Soumya, 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. The affidavit shows that she has joined her husband in matrimony in terms of the settlement made amicably out of court, and that they are now leading a very happy matrimonial life. In such a situation, it is appropriate that the pending prosecution be quashed. Otherwise, it will defile their matrimony.

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 petitioner herein in C.C.No.352/2011 of the Judicial First Class Magistrate Court-I, Kottarakara will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

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