

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

CrI.MC.No. 6437 of 2015 ()

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CC 1786/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,ATTINGAL
CRIME NO. 268/2014 OF ATTINGAL POLICE STATION , THIRUVANANDAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED:

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ADARSH, AGED 31 YEARS, S/O. SOMAN
ANASWARA, NEDUMPARAMBU, NAGARoor
VILLAGE, THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS/STATE, DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
 - 2. Dr. ASWINIMOHAN, AGED 32 YEARS
D/O. MOHANKRISHNAN, TC 3/319-IGV 35
MUTTADA, PATTOM VILLAGE
THIRUVANANTHAPURAM DISTRICT**

**R2 BY ADV. SMT.V.VIJITHA
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.6437/2015

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 CERTIFIED COPY OF THE FINAL REPORT IN 1786/2014 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL**

ANNEXURE A2 COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6437 of 2015

Dated this the 30th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C.No.1786/2014 of the Judicial First Class Magistrate Court-I, Attingal. 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 498A IPC, on the complaint of one Dr.Aswini Mohan, who is the 2nd 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. Her affidavit shows that the whole matrimonial dispute stands resolved. It is submitted by the counsel that the marriage stands dissolved by a decree, and that the dues also stand settled. 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 petitioner herein in C.C.No.1786/2014 of the Judicial First Class Magistrate Court-I, Attingal 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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