

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

Crl.MC.No. 6440 of 2015 (C)

**CC 596/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM
CRIME NO. 990/2014 OF KOLLAM EAST POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED NOS. 1 TO 4:

1. **MR. DEEPU R.S., AGED 32 YEARS,
S/O. RAJAN, RESIDING AT MAGAM,
VINAYAKA NAGAR-MRA-65(B), KALLUMPALLY,
SREEKARIYAM, THIRUVANANTHAPURAM.**
2. **RAJAN, AGED 61 YEARS, S/O. MADHAVAN,
RESIDING AT MAGAM, VINAYAKA NAGAR-MRA-65(B),
KALLUMPALLY, SREEKARIYAM, THIRUVANANTHAPURAM.**
3. **SASIKUMARY, AGED 53 YEARS, W/O. RAJAN,
RESIDING AT MAGAM, VINAYAKA NAGAR-MRA-65(B),
KALLUMPALLY, SREEKARIYAM, THIRUVANANTHAPURAM.**
4. **DEEPA, AGED 36 YEARS, D/O. RAJAN,
RESIDING AT MAGAM, VINAYAKA NAGAR-MRA-65(B),
KALLUMPALLY, SREEKARIYAM, THIRUVANANTHAPURAM.**

BY ADV. SRI. S.BIJU (KIZHAKKANELA)

RESPONDENT(S):

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM THROUGH
SUB INSPECTOR OF POLICE, KOLLAM EAST POLICE STATION,
KOLLAM DISTRICT.**
2. **SMT. DEEPENDU KRISHNAN G.S., AGED 24 YEARS,
D/O. GOPALAKRISHNAN, RESIDING AT SREEKRISHNA,
KOTHETHU NAGAR - 40, KADAPPAKADA. P.O.,
KOLLAM EAST - VILLAGE, KOLLAM DISTRICT - 691 008.**

**R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB
R2 BY ADV. SRI. S.SREEKUMAR (KOLLAM)**

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

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : A CERTIFIED COPY OF THE FIR IN CRIME NO. 990 OF 2014 OF
KOLLAM EAST POLICE STATION.**

**ANNEXURE A2 : A CERTIFIED COPY OF THE CHARGE IN C.C. NO. 596 OF 2014
ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT,
KOLLAM DISTRICT.**

**ANNEXURE A3 : AN AFFIDAVIT DATED 8TH SEPTEMBER 2015 HAS BEEN
SWORN BY THE SECOND RESPONDENT BEFORE THIS COURT.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

P. UBAID, J.

Crl.M.C.No.6440 of 2015

Dated this the 30th day of September, 2015

O R D E R

The petitioners herein are the four accused in C.C. No.596/2014 of Chief Judicial Magistrate Court, Kollam. 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 498A read with 34 IPC, on the complaint of one Deependu Krishnan, 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 forever, and the marriage stands dissolved by a decree under Section 13B of the Hindu Marriage Act. 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.596/2014 of Chief Judicial Magistrate Court, Kollam 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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