

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 6470 of 2015

C.C.NO.796/2014 OF JUDICAL FIRST CLASS MAGISTRATE COURT, CHITTUR

CRIME NO. 1196/2013 OF CHITTUR POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED NOS.1 & 2 :-

- 1. BAIJU, AGED 26 YEARS, S/O.BHASKARAN,
CHOZHAM HOUSE, VATTEKATTUKOLUMBU,
THATHAMANGALAM, PALAKKAD DISTRICT.**
- 2. BHASKARAN, AGED 58 YEARS, S/O.PONNU,
CHOZHAM HOUSE, VATTEKATTUKOLUMBU,
THATHAMANGALAM, PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/STATE & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BINDU V, AGED 26 YEARS, D/O.VELAYUDHAN,
ATTANCHERY PUTHAN VEEDU, GANDHI NAGAR,
THATHAMANGALAM P.O., CHITTUR TALUK,
PIN - 678 102.**

**R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.VIVEK VENUGOPAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : PHOTOCOPY OF THE FINAL REPORT IN C.C.NO.796/2014 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHITTUR
CRIME NO.1196/13 OF CHITTUR POLICE STATION.**

**ANNEXURE B : ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
BEFORE HER ADVOCATE, DATED 16.09.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.6470 of 2015
=====

Dated this the 5th day of October, 2015

ORDER

The petitioners herein are the two accused in C.C.No.796 of 2014 of the Judicial First Class Magistrate Court, Chittoor. 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 Section 34 of the Indian Penal Code on the complaint of one Bindu V., 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.

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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. The victim has received all her dues from her husband as part of the settlement, and the parties have already filed an application for divorce under Section 13(B) of the Hindu Marriage Act in terms of the settlement. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.796 of 2014 of the Judicial First Class Magistrate Court, Chittoor 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

rkj

//TRUE COPY//

P.A. TO JUDGE