

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 6501 of 2015 ()

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CC 605/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD
CRIME NO. 243/2012 OF VATTIYOORKAVU POLICE STATION , THIRUVANANDAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED:

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- 1. RAJEESH, AGED 29 YEARS
S/O RAJAN NAIR, KUTTIYATTU HOUSE, MANNAMPOYIL WARD
BALUSSERY VILLAGE, KOILANDI TALUK, KOZHIKODE DISTRICT.**
 - 2. RAJAN NAIR, AGED 58 YEARS
S/O DAMODARAN NAIR, KUTTIYATTU HOUSE, MANNAMPOYIL WARD
BALUSSERY VILLAGE, KOILANDI TALUK, KOZHIKODE DISTRICT.**
 - 3. VIJAYALAKSHMI, AGED 48 YEARS
W/O RAJAN NAIR, KUTTIYATTU HOUSE, MANNAMPOYIL WARD
BALUSSERY VILLAGE, KOILANDI TALUK, KOZHIKODE DISTRICT.**
 - 4. RESHMA HARISH, AGED 32 YEARS
D/O RAJAN NAIR, KUTTIYATTU HOUSE, MANNAMPOYIL WARD
BALUSSERY VILLAGE, KOILANDI TALUK, KOZHIKODE DISTRICT.**
 - 5. HARISH, AGED 35 YEARS
S/O MADHAVAN NAIR, CHURAKKATTU HOUSE
KARUVETTOOR DESHAM KARUVETTOOR VILLAGE
KOZHIKODU TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.K.S.ARUN KUMAR

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. LAKSHMI PRIYA, AGED 24 YEARS
D/O THANKAMANI, KRISHNALEELA HOUSE, SARADADEVI PURAM
ASHRAMAM ROAD, PEROORKADA VILLAGE
THIRUVANANTHAPURAM DISTRICT, PIN:695005.**
- R2 BY ADV. SMT.RESMI THOMAS
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.243/2012 OF
VATTIYOORKAVU POLICE STATION, THIRUVANANTHAPURAM
DISTRICT.**

**ANNEXURE II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6501 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C. No.605/2012 of the Judicial First Class Magistrate Court-II, Nedumangadu. 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 34 IPC, on the complaint of one Lakshmi Priya, 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 that she has joined her husband in matrimony. It is submitted that the parties are now leading a very happy matrimony. 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.605/2012 of the Judicial First Class Magistrate Court-II, Nedumangadu 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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// True Copy //

P.A. to Judge