

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. 6508 of 2015 ()

**-----
CC 47/2014 of CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
CRIME NO. 2326/2013 OF PALAKKAD TOWN SOUTH POLICE STATION , PALAKKAD
DISTRICT
=====**

PETITIONERS/ACCUSED NOS.1 TO 5:

-
- 1. BIJOY P.ULLAS, AGED 34 YEARS
S/O.ULLAS P.VARGHESE, SEVEN BELLS, KARATTU ROAD
NADAKKAVU P.O., KOZHIKODE DISTRICT.**
 - 2. GEETHA K.T. @ GEETHA ULLAS, AGED 57 YEARS
W/O.ULLAS P.VARGHESE, SEVEN BELLS, KARATTU ROAD
NADAKKAVU P.O., KOZHIKODE DISTRICT.**
 - 3. SUJA P.ULLAS, AGED 32 YEARS
D/O.ULLAS P.VARGHESE, SEVEN BELLS, KARATTU ROAD
NADAKKAVU P.O., KOZHIKODE DISTRICT.**
 - 4. ULLAS P.VARGHESE, AGED 59 YEARS
S/O.P.VARGHESE, SEVEN BELLS
KARATTU ROAD, NADAKKAVU P.O., KOZHIKODE DISTRICT.**
 - 5. BIMAL P.ULLAS, AGED 29 YEARS
S/O.ULLAS P.VARGHESE, SEVEN BELLS, KARATTU ROAD
NADAKKAVU P.O., KOZHIKODE DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

-
- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
 - 2. VIDHYA, D/O.SASIKUMAR, SASIKA
KUNNATHOORMEDU, PANDARAKKAVU
KUNNATHOOR AMSOM, PALAKKAD TALUK.- 673 053.**

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

**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 A: PHOTOCOPY OF THE FINAL REPORT IN CC NO.47/2015 ON THE
FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT,
PALAKKAD. (CRIME NO.2326/13 OF TOWN SOUTH POLICE
STATION, PALAKKAD)**

**ANNEXURE B: ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT BEFORE HER ADVOCATE, DATED 14-9-2015**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6508 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.47/2014 of the Chief Judicial Magistrate Court, Palakkad. 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 Vidhya, 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. It is submitted that the parties have parted ways in terms of the settlement, and that the claims 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 petitioners herein in C.C. No.47/2014 of the Chief Judicial Magistrate Court, Palakkad 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

sd

// True Copy //

P.A. to Judge