

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. 6519 of 2015 ()

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CC 1501/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD
CRIME NO. 1520/2014 OF THRIKKAKARA POLICE STATION , ERNAKULAM DISTRICT
=====**

PETITIONERS/ACCUSED:

- 1. ABIN T., AGED 27 YEARS
S/O.ABRAHAM, THANAVELIL HOUSE, NAYARUPARA KARA
THANKAMANI VILLAGE, UDUMBANCHOLA TALUK
IDUKKI DISTRICT. (NOW RESIDING AT SUN STONE APARTMENT
FLAT NO.303 PALACHUVADU, KAKKANAD, COCHIN.**
- 2. NIRMALA, AGED 51 YEARS
W/O.ABRAHAM, THANAVELIL HOUSE, NAYARUPARA KARA
THANKAMANI VILLAGE, UDUMBANCHOLA TALUK
IDUKKI DISTRICT.**
- 3. T.C.ABRAHAM, AGED 56 YEARS
THANAVELIL HOUSE, NAYARUPARA KARA, THANKAMANI VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.**

BY ADV. SRI.A.C.DEVASIA

RESPONDENT/STATE:

- 1. STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE, THRIKKAKARA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SINCHU, W/O.ABIN, KEERIYANICKAL HOUSE, MANKOMBU KARA
MOONILAVU VILLAGE, MEENACHIL TALUK
KOTTAYAM DISTRICT. (NOW RESIDING AT SUN STONE APARTMENT
FLAT NO.303, THANUVELIL HOUSE, PALACHUVADU P.O.
KAKKANAD, COCHIN-682030.**

R2 BY ADV. SRI.C.K.JACOB

R1 BY PUBLIC PROSECUTOR 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:**

Crl.MC.No. 6519 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-I: TRUE COPY THE F.I.R., F.I.S AND CHARGE SHEET DATED 9/12/2014,
11/6/2015.**

ANNEXURE-II: TRUE COPY THE AFFIDAVIT DATED 5/10/2015.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6519 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.1501/2015 of the Judicial First Class Magistrate Court, Kakkanad. 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 Sinchu, 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 the victim has joined her husband in matrimony. They are now leading a very happy matrimonial life. 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.1501/2015 of the Judicial First Class Magistrate Court, Kakkanad 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