

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Cr1.MC.No. 6692 of 2015 ()

CC NO.1838/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR

PETITIONER(S)/PETITIONER:

1. VINODKUMAR
S/O.UNNIKANNAN, PALATTIL VEEDU, THIRUVADI
THEKKEPPARA, THRISSUR
2. MALATHY
PALATTIL VEEDU, THIRUVADI, THEKKEPPARA
THRISSUR
3. RAJU, P VARIYATHUVALAPPIL HOUSE,
MANATHARA, WADAKKANCHERRY
THRISSUR
4. SHEEBA SHAJI
CHAKKAMADATHIL VEEDU, KUTTUR, KOTTEKKADU
THRISSUR

BY ADVS.SMT.K.P.SANTHI
SMT.E.U.DHANYA

RESPONDENT(S)/RESPONDENT:

1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM
2. SRUTHY
D/O.RAJAN, EDATHARA VEETTIL, CHERUR P O
THRISSUR 680008

R2 BY ADV. SRI.K.AMAR RAGH
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6692 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE I: COPY OF THE FIR NO 1875 OF 2013 AND FINAL REPORT OF
THE JFMC, ALATHUR

ANNEXURE II: COPY OF OP NO 580 OF 2015 FILED BEFORE THE FAMILY
COURT, THRISSUR

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

PA TO JUDGE

bka/-

P. UBAID, J.

Crl. M.C. No. 6692 of 2015

Dated this the 11th day of December, 2015

ORDER

The petitioners herein are accused nos. 1 & 2 in CC No.1838/2013 of the Judicial First Class Magistrate Court, Alathur. 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 Section 34 of the Indian Penal Code on the complaint of one Sruthy, 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

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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. The victim's affidavit shows that the whole matrimonial dispute stands resolved for ever. The parties have parted ways in terms of the settlement and they have filed an application for divorce before the Family Court under Section 13B of the Hindu Marriage Act. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The

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prosecution against the petitioners herein in CC No.1838/2013 of the Judicial First Class Magistrate Court, Alathur 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