

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Crl.MC.No. 6702 of 2015 ()

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CC 325/2014 of JUDICIAL FIRST CLASS MAGIST. COURT, KOOTHATUKULAM
(TEMPORARY)
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PETITIONERS/ACCUSED:

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- 1. THOMAS @ VINOD, AGED 43 YEARS
S/O.K.T.JOSEPH, KOOMAKIYIL HOUSE, THIRIMARADI.P.O
KOOHATTUKULAM, ERNAKULAM DIST.PIN-686662.**
 - 2. K.T.JOSEPH, AGED 70 YEARS
S/O.LATE THOMAS, KOOMAKKIYIL HOUSE, TIRUMARADI.P.O
KOOHATTUKULAM, ERNAKULAM, PIN-686662.**
 - 3. ANNAKKUTTY, AGED 66 YEARS
W/O.K.T.JOSEPH, KOOMAKKIYIL HOUSE, THIRUMARADI.P.O
KOOHATTUKULAM, ERNAKULAM DIST.PIN-686662.**

**BY ADVS.SRI.H.SIVARAMAN
SRI.MATHEW CHERIAN**

RESPONDENTS/COMPLAINANT & STATE:

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- 1. STATE OF KERALA
REPRESENTED BY S.I.OF POLICE
KOOHATTUKULAM BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.**
 - 2. REJI SEBASTIAN,, AGED 42 YEARS
D/O.LATE SEBASTIAN, KALLAMPILLIL HOUSE
MUTTUCHIRA VILLAGE, MUTTUCHIRA KARA, MUTTUCHIRA.P.O
KOTTAYAM DIST.PIN-686613.**

**R2 BY ADV. SRI.M.RAMASWAMY PILLAI
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-A1 CERTIFIED COPY OF F.I.R.DT 15-7-09 KOOTHATTUKULAM POLICE STATION

ANNEXURE-A2 CERTIFIED COPY OF THE CHARGE SHEET DT.28.8.2009 IN C.C.325/14 OF JUDL.1ST CLASS MAGISTRATE COURT,KOOTHATTUKULAM

ANNEXURE-A3 PHOTOCOPY OF JUDGEMENT IN DT.27-8-2010 IN OP.1205/2009 OF FAMILY COURT,ERNAKULAM

ANNEXURE-A4 PHOTOCOPY OF AGREEMENT DT.31-3-2015 FILED IN OP.319/13 OF FAMILY COURT,KOTTAYAM,ETTUMANOOR.

ANNEXURE-A5 PHOTOCOPY OF COMPROMISE DECREE DT.31/3/2015 PASSED IN OP.319/2013 OF FAMILY COURT,KOTTAYAM,ETTUMANOOR.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6702 of 2015

Dated this the 16th day of December, 2015

O R D E R

The petitioners herein seek orders quashing the prosecution in C.C.No.325/2014 of the Judicial First Class Magistrate Court, Koothattukulam, involving the offences under Section 498A IPC, on the ground of amicable settlement out of court. The 2nd respondent herein is the victim of offence. She has made appearance through the learned counsel. The learned counsel submitted that the 2nd respondent has no objection to the petition, because the whole dispute stands settled and resolved forever, and the marriage itself stands dissolved. It is submitted that the claims also stand settled.

The Honourable Supreme Court has held in so many decisions that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have come to terms amicably, and continuance of the prosecution will not serve any purpose. Here, the learned counsel representing the 2nd respondent submitted before the court that

the whole dispute stands resolved forever, and that continuance of the prosecution will cause harm and hardship to both the parties. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners in C.C.No.325/2014 of the Judicial First Class Magistrate Court, Koothattukulam will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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// True Copy //

P.A. To Judge