

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6739 of 2015

IN L.P NO. 7/2005 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KUNNAMKULAM
CRIME NO. 54/2002 OF PERAMANGALAM POLICE STATION,
TRISSUR

PETITIONER:

JOSE, AGED 52 YEARS,
S/O.JOSEPH, PADINJARETHIL HOUSE,
KANCHIYAR DESOM
AYYAPPANKOVIL VILLAGE,
IDUKKI DISTRICT.

BY ADV. SRI.M.PREMCHAND

RESPONDENTS:

1. LISSY, AGED 47 YEARS,
W/O.JOSE, PADINJARETHIL HOUSE,
KANCHIYAR DESOM,
AYYAPPANKOVIL VILLAGE,
IDUKKI DISTRICT.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

R1 BY ADV. SRI.C.S.SUMESH
R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 15-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6739 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A. COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.54/02 OF PERAMANGALAM POLICE STATION.

ANNEXURE B. COPY OF THE FINAL REPORT SUBMITTED BY
PERAMANGALAM POLICE BEFORE THE JFCM COURT, KUNNAMKULAM.

ANNEXURE C. COPY OF THE AFFIDAVIT SWORN IN BY THE 1ST
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6739 of 2015

Dated this the 15th day of October, 2015

O R D E R

The petitioner herein is the sole accused in Crime No.54/2002 of the Peramangalam Police Station registered under Section 498A of the Indian Penal Code. On final report, the learned Judicial First Class Magistrate, Kunnankulam took cognizance as C.C No.1339/2002, and now the case stands transferred to the register of long pending cases as L.P No.7/2005. The petitioner now seeks orders quashing the said prosecution on the ground of amicable settlement of the while dispute out of court.

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 the prosecution 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 forever, and that she has joined her husband in matrimony. I am well satisfied that the parties have been leading a very happy married life now. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in L.P No.7/2005 of the Judicial First Class Magistrate Court, Kunnankulam (C.C No.1339/2002) will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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//True Copy//