

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Cr1.MC.No. 6782 of 2015

IN C.C 1151/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
II, KOTTARAKKARA
CRIME NO. 227/2012 OF POOYAPPALLY POLICE STATION, KOLLAM

PETITIONERS/ACCUSED:

1. SHYJU, AGED 41 YEARS,
S/O.P.RAMANAN, RESIDING AT ASWATHY,
A.K.G.JUNCTION, PANAYAM,
ANCHALUMMOOD, KOLLAM DISTRICT.
2. CHITHRALEKHA, AGED 53 YEARS,
W/O.P.RAMANAN, RESIDING AT ASWATHY,
A.K.G.JUNCTION, PANAYAM,
ANCHALUMMOOD, KOLLAM DISTRICT.
3. CHANDRALEKHA, AGED 49 YEARS,
W/O.SALEEM, RESIDING AT THUSHARA,
PADINJATTINKARA MURI, VELIYAM P.O.
4. SALIM, AGED 57 YEARS,
S/O.BHASKARAN, RESIDING AT THUSHARA,
PADINJATTINKARA MURI, VELIYAM P.O

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
KUNDARA POLICE STATION, KOLLAM - 691 501.
2. SILPA RAJEEV, AGED 31 YEARS,
D/O.CHANDRAVALLI, RESIDING AT PUTHENVILA VEEDU,
POOYAPPALLY P.O, KOTTARAKKARA TALUK,
PIN - 691 537.

R2 BY ADV. SMT.SHEENAMOL VARGHESE
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE SETTLEMENT ARRIVED BETWEEN THE FIRST RESPONDENT AND SECOND RESPONDENT ON 20.1.2014 BEFORE THE FAMILY COURT, KOTTARAKKARA.

ANNEXURE A2: COPY OF THE FINAL REPORT IN C.C. NO.1151/2012 ALONG WITH THE FIR IN CRIME NO.227/2012 OF POOYAPPALLY POLICE STATION.

ANNEXURE A3: COPY OF THE AFFIDAVIT SWORN BY THE SECOND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6782 of 2015

Dated this the 19th day of October, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1151/2012 of the Judicial First Class Magistrate Court II, Kottarakkara. 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 and 406 r/w 44 of the Indian Penal Code, on the complaint of one Silpa Rajeev who is the second 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 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 by effective mediation, and that the victim has joined her husband in matrimony, in terms of the amicable settlement. It is submitted that the parties are now leading a very happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.1151/2012 of the Judicial First Class Magistrate Court II, Kottarakkara 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.

ab

Sd/-
P.UBAID
JUDGE