

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

Crl.MC.No. 6801 of 2015

CC 437/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, IRINJALAKUDA

CRIME NO. 1527/2012 OF KODAKARA POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED :-

- 1. LIJO, AGED 27, S/O.BABY,
KALATHINGAL HOUSE, KANAKAMALA DESOM,
KODAKARA VILLAGE, CHALAKUDY TALUK,
THRISSUR DISTRICT.**
- 2. BABY, AGED 65, S/O.SEBASTIAN,
KALATHINGAL HOUSE, KANAKAMALA DESOM,
KODAKARA VILLAGE, CHALAKUDY TALUK,
THRISSUR DISTRICT.**
- 3. ANIES, AGED 58, W/O.BABY,
KALATHINGAL HOUSE, KANAKAMALA DESOM,
KODAKARA VILLAGE, CHALAKUDY TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.N.L.BITTO

RESPONDENT(S)/STATE OF KERALA AND THE COMPLAINANT :-

- 1. THE STATE OF KERALA, REP.BY THE
SUB INSPECTOR OF POLICE,
KODAKARA POLICE STATION, THRISSUR
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.**
- 2. JEMY, AGED 27, D/O.JHNY,
ERUMAKKATTUPARAMBIL HOUSE,
IRINJALAKUDA DESOM, MANAVALASSERY VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT - 680 001.**

**R2 BY ADV. SRI.K.D.SREEVISAKH
R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' APPENDIX :-

**ANNEXURE I : A TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.1527 OF 2012
OF THE KODAKARA POLICE STATION DATED 01.11.2012.**

**ANNEXURE II : A TRUE CERTIFIED COPY OF CHARGE SHEET FILED BY KODAKARA
POLICE IN CC NO.437 OF 2013 DATED 10.12.2012.**

**ANNEXURE III : A TRUE COPY OF THE AFFIDAVIT OF THE SECOND RESPONDENT
DATED 19.12.2014.**

RESPONDENT(S)' APPENDIX :- **NIL**

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6801 of 2015
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Dated this the 20th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No.437 of 2013 of the Judicial First Class Magistrate Court, Irinjalakkuda. 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 406 and 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Jemy, 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 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, and I am satisfied that the parties are now on quite cordial terms. 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the parties have already filed an application for divorce under Section 13(B) of the Hindu Marriage Act in terms of the settlement. The victim's claim also stands settled. 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.437 of 2013 of the Judicial First Class Magistrate Court, Irinjalakkuda 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

rkj

//TRUE COPY//

P.A. TO JUDGE