

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. 6810 of 2015

CC 139/2012 of C.J.M., PATHANAMTHITTA

CRIME NO. 269/2012 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA

PETITIONER(S)/ACCUSED NOS. 1 AND 2 :-

- 1. SATHEESH KUMAR, S/O.LATE BHASKARAN,
SURESH BHAVAN, NELLIKKALA PO,
KARAMVELI, PATHANAMTHITTA DISTRICT.**
- 2. BHANUMATHI, W/O.LATE BHASKARAN,
SURESH BHAVAN, NELLIKKALA PO,
KARAMVELI, PATHANAMTHITTA DISTRICT**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :-

- 1. DEEPTHI RAVEENDRAN, AGED 31 YEARS,
D/O.SAVITHRI, ASIYANA, CHENNEERKKARA VILLAGE,
PATHANAMTHITTA DISTRICT-689 517.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R1 BY ADV. SRI.S.R.SREEJITH

R2 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

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

Crl.MC.No. 6810 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME NO.269 OF 2012 OF
PATHANAMTHITTA POLICE STATION.**

**ANNEXURE A2 : TRUE COPY OF THE FINAL REPORT DATED 2-4-2012 IN CRIME
NO.269 OF 2012 OF PATHANAMTHITTA POLICE STATION.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6810 of 2015
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Dated this the 20th day of October, 2015

ORDER

The petitioners herein are the two accused in C.C.No.139 of 2012 of the Chief Judicial Magistrate Court, Pathanamthitta. 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 Section 498A read with Section 34 of the Indian Penal Code on the complaint of one Deepthi Raveendran, who is the 1st 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. 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 marriage stands dissolved by decree in terms of the settlement, and that the victim has remarried. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.139 of 2012 of the Chief Judicial Magistrate Court, Pathanamthitta 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