

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. 6818 of 2015

CC 754/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM

CRIME NO. 14/2011 OF KUNDARA POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED 1 TO 3 :-

- 1. RAJESH, AGED 36 YEARS, S/O.RADHAKRISHNA PILLAI,
MOOLEVAYALILVEEDU, VADAKKUM BHAGAM,
IRAVIPURAM, KOLLAM.**
- 2. RADHAKRISHNA PILLAI, AGED 65, S/O.VASUDEVA PILLAI,
MOOLEVAYALILVEEDU, VADAKKUM BHAGAM,
IRAVIPURAM, KOLLAM.**
- 3. SHYAMALA, AGED 55, W/O.RADHAKRISHNA PILLAI,
MOOLEVAYALILVEEDU, VADAKKUM BHAGAM,
IRAVIPURAM, KOLLAM.**

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. RANI, AGED 29 YEARS, D/O.SARASAMMA,
THODIYIL VEEDU, KANYAKUZH, I,
PUNUKKANNOOR, ALUMOODU P.O., KOLLAM.**

**R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.M.R.SARIN**

**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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Crl.MC.No. 6818 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 :- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.14/2011
OF KUNDARA POLICE.**

ANNEXURE 2 :- AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6818 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.754 of 2011 of the Judicial First Class Magistrate Court-I, Kollam. 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 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Rani, 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, and she has joined her husband in matrimony. It is submitted that the parties are now very happy with the two children born in the wedlock. 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.754 of 2011 of the

Judicial First Class Magistrate Court-I, Kollam 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