

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937HJ13

Crl.MC.No. 6821 of 2015

CC 1288/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM

CRIME NO. 2101/2014 OF KOTTIYAM POLICE STATION, KOLLAM

PETITIONERS/ACCUSED 1 TO 4 :-

1. **AJITH M.S., AGED 35 YEARS,
S/O.MADUSOODHANAN PILLAI,
AJITH NIVAS, MANGALATH LINE,
PUNTHALATHAZHAM,
VAKAKKEVILA VILLAGE, KOLLAM.**
2. **MADUSOODHANAN PILLAI, AGED 67,
S/O.CHELLAPPAN PILLAI,
AJITH NIVAS, MANGALATH LINE,
PUNTHALATHAZHAM,
VAKAKKEVILA VILLAGE, KOLLAM.**
3. **SAROJINI AMMA, AGED 63,
W/O. MADUSOODHANAN PILLAI,
AJITH NIVAS, MANGALATH LINE,
PUNTHALATHAZHAM,
VAKAKKEVILA VILLAGE, KOLLAM.**
4. **ANITHA, AGED 29 YEARS,
D/O.MADUSOODHANAN PILLAI,
AJITH NIVAS, MANGALATH LINE,
PUNTHALATHAZHAM,
VAKAKKEVILA VILLAGE, 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. **GAYATHRI, AGED 28, D/O.SUDHA KUMARI,
LAKSHMIVILASAM, VADAKKUMKARA KIZHAKKECHERI,
THAZHUTHALA VILLAGE, KOLLAM - 691 007.**

**R1 BY SMT. M.T.SHEEBA, 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. 6821 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 :- TRUE COPY OF THE FINAL REPORT IN CRIME NO.2101/2014 OF
KOTTIYAM 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.6821 of 2015
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Dated this the 20th day of October, 2015

ORDER

The petitioners herein are the four accused in C.C.No.1288 of 2015 of the Judicial First Class Magistrate Court-II, 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 Sections 498(A) and 323 read with Section 34 of the Indian Penal Code on the complaint of one Gayathri, 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 child 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.1288 of 2015 of the

Judicial First Class Magistrate Court-II, 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