

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

Crl.MC.No. 6852 of 2015

CC 110/2015 OF J.M.F.C., VAIKOM

CRIME NO. 11/2015 OF VELLOOR POLICE STATION, KOTTAYAM

PETITIONER(S)/ACCUSED/DEFACTO COMPLAINANT :-

- 1. LENIN JOHN, AGED 30 YEARS, S/O.JOHN,
CHEERAMKOTTIL HOUSE, MEVELLOOR KARA & P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT, KERALA - 686 609.**
- 2. LINCY LENIN, AGED 27 YEARS, W/O.LENIN JOHN,
CHEERAMKOTTIL HOUSE, MEVELLOOR KARA & P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT, KERALA - 686 609.**

BY ADV. SRI.JOHN T. PAUL

RESPONDENT/STATE :-

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A-I : CERTIFIED COPY OF THE FIR DATED 06.01.2015 IN CRIME
NO.11 OF 2015 OF VELLOOR POLICE STATION.**

**ANNEXURE A-II : A TRUE COPY OF THE FINAL REPORT IN C.C.NO.110 OF 2015
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
VAIKOM.**

**ANNEXURE A-III : THE ORIGINAL AFFIDAVIT DATED 17.10.2015 BY THE 2ND
PETITIONER/DEFACTO COMPLAINANT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6852 of 2015
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Dated this the 21st day of October, 2015

ORDER

The petitioners herein are the two accused in C.C.No.110 of 2015 of the Judicial First Class Magistrate Court, Vaikom. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them. Crime in this case was registered under Sections 498A of the Indian Penal Code on the complaint of one Lincy Lenin, who is the 2nd petitioner 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 other 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 victim has joined her husband in matrimony, and now they are living as very happy husband and wife. 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.110 of 2015 of the Judicial First Class Magistrate Court, Vaikom 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.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE