

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.MC.No. 6889 of 2015 ()

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CC 524/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOCHI
CRIME NO. 1206/2013 OF MARADU POLICE STATION, ERNAKULAM DISTRICT
=====**

PETITIONERS/ACCUSED:

- 1. SUNIL JOSEPH, AGED 35 YEARS
S/O. JOSEPH, KOCHUPURACKAL HOUSE
JAWAHAR ROAD, TYCOODAM, VYTTLA
ERNAKULAM**
- 2. SOSAMMA, W/O. JOSEPH, AGED 74 YEARS
KOCHUPURACKAL HOUSE, JAWAHAR ROAD
TYCOODAM, VYTTLA, ERNAKULAM**
- 3. JACOB @ BABU, AGED 74 YEARS
THENGUMTHARAYIL HOUSE
NEAR N.H. BYE PASS, VYTTLA**

BY ADV. SMT.CHITHRA R.SHENOY

RESPONDENTS/STATE/COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM – 682031**
- 2. STATION HOUSE OFFICER, MARADU POLICE
STATION, ERNAKULAM DISTRICT – 682304**
- 3. JOBY, D/O. JEPHSON, AGED 32 YEARS
KARIMBINTHUNDIYIL HOUSE, MARAMON P.O.
KOZHENCHERY, PATHANAMTITTA - 689549**

R3 BY ADV. SRI.ALEXANDER GEORGE

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.6889/2015

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE -I CERTIFIED COPY OF THE CHARGE SHEET IN C.C.NO.524/2015

**ANNEXURE-II COPY OF THE AGREEMENT EXECUTED BEFORE HIGH COURT
MEDIATION CENTRE**

ANNEXURE-III AFFIDAVIT FILED BY THE THIRD RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No. 6889 of 2015

Dated this the 26th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C. No.524/2015 of the Judicial First Class Magistrate Court-I, Kochi. 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 34 IPC, on the complaint of one Joby, who is the 3rd 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have already filed a petition for divorce in terms of the compromise. The victim's claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.524/2015 of the Judicial First Class Magistrate Court-I, Kochi, 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

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// True Copy //

P.A. to Judge