

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Cr1.MC.No. 6899 of 2015

IN CC 1084/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, NILAMBUR
CRIME NO. 254/2013 OF POTHUKAL POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. SAJITH K.MANOCHARAN,
S/O MANOCHARAN, SYAM NIVAS, PAPPANAMKODE.P.O,
KAIMANAM, THIRUVANANTHAPURAM DISTRICT.
2. SARASAMMA SUDHA,
W/O.MANOCHARAN, SYAM NIVAS, PAPPANAMKODE.P.O
KAIMANAM, THIRUVANANTHAPURAM DISTRICT.
3. MANOCHARAN,
S/O.KUTTAN PANICKER, SYAM NIVAS, PAPPANAMKODE.P.O
KAIMANAM, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE AND COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682031-FOR THE SUB INSPECTOR OF POLICE
POTHUKAL POLICE STATION, MALAPPURAM DISTRICT.
2. SONY.A.S,
D/O.SARO KUMAR, ELLUMKALAYIL HOUSE,
BHOTHANAM COLONY.P.O, POTHUKAL, NILAMBUR
MALAPPURAM DISTRICT, PIN-679334.

R2 BY ADV. SRI.P.A.RAJESH

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6899 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A : COPY OF THE FINAL REPORT/CHARGE IN C.C.1083/2013
OF THE J.F.C.M.NILAMBUR.

ANNEXURE-B : COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED 10-6-2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6899 of 2015

Dated this the 27th day of October, 2015

O R D E R

The petitioners herein are the three accused in C.C No.1084/2013 of the Judicial First Class Magistrate Court, Nilambur. 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 498A and 406 r/w Section 34 of the Indian Penal Code, on the complaint of one Sony, who is the second 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 the prosecution 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the victim has received adequate amount of compensation. It is submitted that the parties have parted ways in terms of the settlement arrived at. 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.1084/2013 of the Judicial First Class Magistrate Court, Nilambur 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//