

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6949 of 2015

CC 1013/2014 of J.M.F.C.-I, KOLLAM

CRIME NO. 1728/2013 OF ANCHALUMMOODU POLICE STATION, KOLLAM

PETITIONERS/A1 TO A3 :

- 1. YESUDASAN, AGED 32 YEARS, S/O.ANTONY,
RESIDING AT YESUDAS BHAVANAM,
KARRIKKAVAYALIL, NEERAVIL MURIL,
THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT.**
- 2. ANTONY @ THANKACHAN, AGED 57 YEARS, S/O.HENTRY,
RESIDING AT YESUDAS BHAVANAM,
KARRIKKAVAYALIL, NEERAVIL MURIL,
THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT.**
- 3. SUSANNA, AGED 51 YEARS, W/O.ANTONY,
RESIDING AT YESUDAS BHAVANAM,
KARRIKKAVAYALIL, NEERAVIL MURIL,
THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE SUB INSPECTOR OF POLICE,
ANCHALAMOODU POLICE STATION, KOLLAM DISTRICT - 691 001.**
- 2. PREETHA, AGED 23 YEARS, W/O.YESUDASAN,
RESIDING AT KUNNATHU KIZHAKKATHIL,
KOVILA MURI, THEVALAKKARA VILLAGE,
KOLLAM TALUK, KOLLAM DISTRICT - 691 001.**

R2 BY ADV. SRI.B.BIPIN

R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF THE FIR IN CRIME NO.1728/2013 OF
ANCHALAMMOODU POLICE STATION.**

**ANNEXURE A2 : CERTIFIED COPY OF THE CHARGE SHEET IN C.C.NO.1013/2014 ON
THE FILE OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, KOLLAM.**

ANNEXURE A3 : TRUE COPY OF THE 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.6949 of 2015

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Dated this the 28th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No. 1013 of 2014 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 Sections 498(A) and 323 read with Section 34 of the Indian Penal Code on the complaint of one Preetha, 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 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, 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 that they are now leading a very happy married life. 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.1013 of 2014 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