

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. 6955 of 2015

CP 23/2015 OF JUDICIAL FIRST CLASS-I, MANJERI

CRIME NO. 531/2014 OF EDAVANNA POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED NO.1 TO 4 :-

- 1. RANGITH, AGED 35 YEARS,
S/O.RAGHAVAN K., 26/32,
CHITHIRA HOUSE, KAIRALI NAGAR,
THEVARA, ERNAKULAM DIST.**
- 2. RAGHAVAN, AGED 66 YEARS,
S/O.KOCHUKUNJU, 26/32,
CHITHIRA HOUSE, KAIRALI NAGAR,
THEVARA, ERNAKULAM DIST.**
- 3. AMBIKA, AGED 62 YEARS,
W/O.RAGHAVAN, 26/32,
CHITHIRA HOUSE, KAIRALI NAGAR,
THEVARA, ERNAKULAM DIST.**
- 4. RAKHA, AGED 33 YEARS,
D/O.RAGHAVAN, 26/32,
CHITHIRA HOUSE, KAIRALI NAGAR,
THEVARA, ERNAKULAM DIST.**

BY ADV. SRI.M.J.SANTHOSH

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
EDAVANNA POLICE STATION, THROUGH
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DR.SALINI, AGED 30 YEARS, D/O.CHELLI,
ENDIVARAM (H), KOOTTALA, THIRUVALI P.O.,
VANDOOR, MALAPPURAM DIST.**

**R2 BY ADV. SRI.V.G.RAVIKUMAR
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 :- TRUE COPY OF THE FIR IN CRIME NO.531/2014 OF THE EDAVANNA
POLICE STATION.**

ANNEXURE A2 : TRUE COPY OF THE CHARGE DATED 5.3.15.

ANNEXURE A3 : AFFIDAVIT OF THE 2ND RESPONDENT.

**ANNEXURE A4 : TRUE COPY OF THE MEDIATION AGREEMENT BETWEEN THE
CW1 AND 1ST PETITIONER.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6955 of 2015

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Dated this the 28th day of October, 2015

ORDER

The petitioners herein are the four accused in C.P.No.23 of 2015 of the Judicial First Class Magistrate Court-I, Manjeri. 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, 406 and 313 read with Section 34 of the Indian Penal Code on the complaint of one Dr.Salini, 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. 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 dispute involved is actually a matrimonial dispute. As regards the offence under Section 313 Cr.P.C., I find on a perusal of the materials, that such a complaint happened to be made on some misapprehension. Anyway, the whole issues stands resolved now. 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.P.No.23 of 2015 of the

Judicial First Class Magistrate Court-I, Manjeri 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