

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Crl.MC.No. 6995 of 2015 ()

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CC 7829/2014 of JUDICIAL FIRST CLASS MAGISTRATE CORUT,IRINJALAKUDA DATED
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PETITIONERS/ACCUSED 1 TO 3:

- 1. GOPU VIDYA, AGED 35 YEARS
S/O. VIDYA NANDA BABU, MIDVELIL HOUSE
KAVUBHAGOM P.O., THIRUVALLA, PATHANAMTHITTA**
- 2. VIDYA NANDA BABU, AGED 67 YEARS
S/O. GOPALAN, MIDVELIL HOUSE
KAVUBHAGOM P.O., THIRUVALLA, PATHANAMTHITTA**
- 3. SHEELA VIDYA, AGED 59 YEARS, W/O. VIDYA NANDA BABU
MIDVELIL HOUSE, KAVUBHAGOM P.O., THIRUVALLA
PATHANAMTHITTA**

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS/ COMPLAINANTS:

- 1. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031**
- 2. SHEEMA POORNA CHANDRA JOSHI, D/O. POORNA
CHANDRA JOSHI, AGED 30 YEARS, ACHU PARAMBIL
HOUSE, KARANCHIRA P.O., THRISSUR -680001**

R2 BY ADV. SRI.T.C.SANTHILAL

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.6995/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 COPY OF THE FINAL REPORT IN C.C.NO.7829/2015 PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
IRINJALAKUDA**

ANNEXURE A2 AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6995 of 2015

Dated this the 30th day of October, 2015

O R D E R

The petitioners herein are the three accused in C.C.No.7829/2014 of the Judicial First Class Magistrate Court, Irinjalakkuda. 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 406, 498-A and 34 IPC, on the complaint of one Sheema Poorna Chandra Joshi, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have already filed a joint application for divorce under Section 13B of the Hindu Marriage Act in terms of the settlement. The 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.7829/2014 of the Judicial First Class Magistrate Court, Irinjalakkuda 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

sd

// True Copy //

P.A. to Judge