

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. 7012 of 2015 ()

**CC 1455/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THRISSUR
CRIME NO. 932/2011 OF TOWN WEST POLICE STATION, THRISSUR DISTRICT**
=====

PETITIONER/ACCUSED 1 TO 5:

- 1. VINOD, AGED 35 YEARS, S/O. JOSE
KURISINGAL HOUSE, ELTHURUTH P.O.
THRISSUR DISTRICT**
- 2. GRACY, W/O. JOSE, AGED 55 YEARS
KURISINGAL HOUSE, ELTHURUTH P.O.
THRISSUR DISTRICT**
- 3. JOSE, S/O. RAPPAL, AGED 60 YEARS
KURISINGAL HOUSE, ELTHURUTH P.O.
THRISSUR DISTRICT**
- 4. JOY, S/O. LAZAR, AGED 46 YEARS
RAPPAKARAN HOUSE, CHETTUPUZHA P.O.
THRISSUR DISTRICT**
- 5. RENCY, W/O. JOY, AGED 40 YEARS
RAPPAKARAN HOUSE, CHETTUPUZHA P.O.
THRISSUR DISTRICT**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA REPRESENTING
SUB INSPECTOR OF POLICE, THRISSUR
WEST POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
- 2. MARY TREESA, D/O. MARTIN, AGED 25 YEARS
SANDHYAYIL HOUSE, ERAMALLUR
P.O. EZHUPUNNA, CHERTHALA, ALAPPUZHA**

**R2 BY ADV. SRI.SEBY JOSEPH
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:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 COPY OF FIR DATED 06.07.2011 IN CIRME NO.932/2011 OF
THRISSUR WEST POLICE STATION**

**ANNEXURE A2 COPY OF FINAL REPORT DATED 27.07.2011 IN CIRME
NO.932/2011 OF THRISSUR WEST POLICE STATION**

ANNEXURE A3 AFFIDAVIT DATED 27.10.2015 OF 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7012 of 2015

Dated this the 30th day of October, 2015

O R D E R

The petitioners herein are the five accused in C.C.No.1455/2015 of the Judicial First Class Magistrate Court-II, Thrissur. 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 read with 34 IPC, on the complaint of the father of the 2nd respondent, Mary Treesa, in this proceeding brought under Section 482 of the Code of Criminal Procedure. The 2nd respondent 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. It is submitted from both sides that the parties have parted ways in terms of the settlement, and that they have filed a joint application for divorce Section 13B of the Hindu Marriage Act in terms of the settlement. 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.1455/2015 of the Judicial First Class Magistrate Court-II, Thrissur 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