

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 7020 of 2015 ()

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CC 2626/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NEYYATTINKARA
CRIME NO. 206/2014 OF NARUVAMOODU POLICE STATION, THIRUVANANTHAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED 1 AND 2:

- 1. KIRHORE.R.G., AGED 30 YEARS
S/O. RAVI, CHAITHRAM, MOTTAMOODU
PRAVACHAMBALAM POST
THIRUVANANTHAPURAM**
- 2. GEETHA, AGED 55 YEARS, W/O. RAVI
CHAITHRAM, MOTTAMOODU
PRAVACHAMBALAM POST
THIRUVANANTHAPURAM**

**BY ADVS.SRI.D.AJITHKUMAR
SRI.D.JEEVAN**

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM – 6820311**
- 2. SUB INSPECTOR OF POLICE
NARUVAMOODU POLICE STATION**
- 3. PRIYA L., AGED 25 YEARS, D/O. C. PRADEEP KUMAR
CHITTUPARAMBIL VEEDU, SINGAPORE MUKKU
PALLIPURAM POST, SREEKARYAM
HIRUVANANTHAPURAM, NOW RESIDING AT
566(17578), ANACHEKKAR PUTHEN VEEDU-6
KARICHIRA, ANDOORKONAM, THIRUVANANTHAPURAM**

**R3 BY ADV. SRI.T.PRADEEP
R1 & R2 BY PUBLIC PROSECUTOR SMT. MADHUBEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO. 7020/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A CERTIFIED COPY OF THE FIR IN CRIME NO.206/2014 BY
NARUVAMOODU POLICE STATION**

**ANNEXURE B CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.206/2014 BY
NARUVAMOODU POLICE STATION**

**ANNEXURE C AFFIDAVIT OF THE DEFACTO COMPLAINANT ALONG WITH
COMPOUNDING PETITION DATED 20.08.2015**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7020 of 2015

Dated this the 2nd day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.2626/2015 of the Judicial First Class Magistrate Court-III, Thiruvananthapuram. 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 Section 498-A IPC, on the complaint of one Priya, who is the 3rd 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 claims also stand settled. Now, it is submitted that the marriage stands dissolved in terms of the compromise arrived at. 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.2626/2015 of the Judicial First Class Magistrate Court-III, Thiruvananthapuram, 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

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“C.C.No.2626 of 2015 of Judicial First Class Magistrate Court-III, Thiruvananthapuram” occurring in the first sentence of paragraph 1 and in the operative portion of the final order dated 02/11/2015 in Crl.M.C.No.7020/2015 is corrected and substituted as **“C.C.No.2626 of 2014 of Judicial First Class Magistrate Court-III, Neyyattinkara”** as per order dated 21/02/2018 in Crl.M.A.No.1574/2018 in Crl.M.C.No.7020/2015.

Sd/-
Registrar (Judicial)