

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. 7025 of 2015 ()

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CC 2233/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,THRISSUR
CRIME NO. 1162/2015 OF TOWN EAST POLICE STATION, THRISSUR DISTRICT
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PETITIONERS/ACCUSED:

- 1. VIJAY NARAYANAN, AGED 39 YEARS, S/O. P.K. SANGAMESWARAN
PANDIKASALA MADOM, KRISHNARAJ, KOTTAPURAM, THRISSUR -4**
- 2. SANGAMESWARAN, AGED 72 YEARS, S/O. KRISHNA IYER
PANDIKASALA MADOM, KRISHNARAJ, KOTTAPURAM, THRISSUR -4**
- 3. M.N. KAMALI, AGED 65 YEARS, W/O. SANGAMESWARAN
PANDIKASALA MADOM, KRISHNARAJ, KOTTAPURAM, THRISSUR -4**
- 4. P.S. KRISHNAN, AGED 45 YEARS, S/O. SANGAMESWARAN
PANDIKASALA MADOM, KRISHNARAJ, KOTTAPURAM, THRISSUR -4**
- 5. NANDINI KRISHNAN, AGED 38 YEARS, W/O. P.S. KRISHNAN
PANDIKASALA MADOM, KRISHNARAJ, KOTTAPURAM, THRISSUR -4**

BY ADV. SRI.RAJIT

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. SWETHA BABU, AGED 32 YEARS, D/O. BABU VENKITACHALAM
KIKKINI HOUSE, NEAR THIRUVAMBADI TEMPLE
THRISSUR THALUK, THRISSUR DISTRICT - 680001**

R2 BY ADV. SRI.V.V.JOY

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**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. 7025/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A COPY OF THE FIR IN CRIME NO.1162/2015 OF THE THRISSUR EAST
POLICE STATION, THRISSUR DISTRICT**

**ANNEXURE B COPY OF THE FINAL REPORT FILED BY THE THRISSUR EAST POLICE
BEFORE THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THRISSUR**

ANNEXURE C COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7025 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.2233/2015 of the Judicial First Class Magistrate Court-I, 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 Section 498-A read with 34 IPC, on the complaint of one Swetha Babu, 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 marriage stands dissolved in terms of settlement. Her 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.2233/2015 of the Judicial First Class Magistrate Court-I, 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