

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Crl.MC.No. 7087 of 2015 ()

AGAINST THE JUDGMENT IN CC 825/2015 of J.M.F.C.-II, KOTTARAKKARA
CRIME NO. 1449/2013 OF POOYAPPALLY POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

1. JYOTHILAL
S/O. RAJENDRAN, SHARA MANDIRAM, CHEPRAAMUKKU
POOYAPPALLY, KOTARAKKARA, KOLLAM
2. RAJENDRAN
SHARA MANDIRAM, CHEPRAAMUKKU, POOYAPPALLY
KOTARAKKARA, KOLLAM
3. USHA
W/O. RAJENDRAN, SHARA MANDIRAM, CHEPRAAMUKKU
POOYAPPALLY, KOTARAKKARA, KOLLAM
4. BIJU
SHARA MANDIRAM, CHEPRAAMUKKU, POOYAPPALLY
KOTARAKKARA, KOLLAM
5. SHARA
SHARA MANDIRAM, CHEPRAAMUKKU, POOYAPPALLY
KOTARAKKARA, KOLLAM

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. ASWATHY, AGED 27 YEARS
D/O. AMBIKADEVI, THEKKEBHAGAM, VENKULAM
EDAVA THIRUVANTHAPURAM – 695 001.

R2 BY ADV. SRI.G.JAYAKUMAR

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7087 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: THE TRUE COPY OF THE FIR NO 1449/13 OF POOYAPPALLY
POLICE STATION

ANNEXURE A2: TRUE COPY OF THE FINAL REPORT IN CC NO 825/15 BEFORE
JUDICIAL FIRST CLASS MAGISTRATE COURT-II,KOTTARAKKARA

ANNEXURE A3 AFFIDAVIR SIGNED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.7087 of 2015**  
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Dated this the 6th November, 2015

ORDER

The petitioners herein are the two accused in C.C No.825 of 2015 of the Judicial First Class Magistrate Court-II, Kottarakara. 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 of Indian Penal Code on the complaint of one Aswathy, 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. The final report shows that the 2nd petitioner herein is not an accused in this case. The victim's affidavit shows that the whole matrimonial dispute stands settled forever and the parties have parted ways in terms of the settlement arrived at. The claims also stand settled. In such

a situation, it is appropriate that the pending prosecution be quashed.

3. 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.

In the result, this petition is allowed. The prosecution against the petitioners 1, 3,4 and 5 in C.C No.825 of 2015 of the Judicial First Class Magistrate's Court-II, Kottarakara will

stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners 1, 3, 4 and 5 will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge