

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cr1.MC.No. 7154 of 2015

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AGAINST THE JUDGMENT IN CC 707/2015 OF THE JUDICIAL FIRST  
CLASS MAGISTRATE COURT, VARKALA  
CRIME NO. 1912/2014 OF VARKALA POLICE STATION ,  
THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

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1. RAHUL, AGED 30 YEARS,  
S/O.HARIHARAN, NIHARA,  
CHERUKUNNU DESOM  
VARKALA VILLAGE,  
THIRUVANANTHAPURAM DISTRICT.
2. NALINI, AGED 68 YEARS,  
W/O.HARIHARAN, NIHARA, CHERUKUNNU DESOM,  
VARKALA VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM 682 031.
2. SALU, AGED 25 YEARS,  
D/O.THARA, DARSANA, THACHODE,  
PANAYARA DESOM, CHEMMARUTHY VILLAGE, VARKALA  
THIRUVANANTHAPURAM DISTRICT - 695 141.

R2 BY ADV. SRI.C.S.SUMESH

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 13-11-2015, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1912/2014 OF VARKALA POLICE STATION.

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.1912/2014 OF VARKALA POLICE STATION.

ANNEXURE A3: AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.7154 of 2015**  
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Dated this the 13<sup>th</sup> day of November, 2015

**O R D E R**

The petitioners herein are the two accused in C.C No.707/2015 of the Judicial First Class Magistrate Court I, Varkala. 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) r/w 34 of the Indian Penal Code on the complaint of one Salu, who is the second 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. 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 further 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by decree. The claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.707/2015 of the Judicial First Class Magistrate Court I, Varkala 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.

**P.UBAID  
JUDGE**

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