

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 7170 of 2015

**CRA 162/2015 of ADDL.DISTRICT
COURT-I,MAVELIKKARA**

CC 660/2009 of J.M.F.C., KAYAMKULAM

CRIME NO. 176/2009 OF VALLIKUNNAM POLICE STATION, ALAPPUZHA

PETITIONER(S)/ACCUSED AND DEFACTO COMPLAINANT :-

- 1. VISHNU NAMBOOTHIRI, S/O.DAMODARAN NAMBOODIRI,
MANKULAM VRINDAVANAM HOUSE,
PUTHIYAVLA MURI, KANDALLOOR VILLAGE,
KAYAMKULAM - 690 502.**
- 2. RADHAMANI ANTHARAJANAM,
W/O.LATE DAMODARAN NAMBOOTHIRI,
MANKULAM VRINDAVANAM HOUSE, PUTHIYAYAVLA MURI,
KANDALLOOR VILLAGE, KAYAMKULAM - 690 502.**
- 3. GAYATHRI, W/O.VISHNU NAMBOOTHIRI,
NOW RESIDING AT MANKULAM VRINDAVANAM HOUSE,
PUTHIYAVLA MURI, KANDALLOOR VILLAGE,
KAYAMKULAM - 690 502.**

**BY ADVS.SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN**

RESPONDENTS :-

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 7170 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-1 : TRUE COPY OF THE FIR IN CRIME NO.176/2009 OF VALLIKUNNAM
POLICE.**

**ANNEXURE-2 : TRUE COPY OF THE JUDGMENT DATED 3.6.2015 IN CC.NO.660/2009
OF THE JUDICIAL FIRST CLASS MAGISTRATE, KAYAMKULAM.**

**ANNEXURE-3 : TRUE COPY OF THE INTERIM ORDER DATED 23/6/2015 IN
CRL.M.P.344/2015 IN CRL.APPEAL NO.162/2015 OF THE ADDITIONAL
SESSION JUDGE -I, MAVELIKKARA.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7170 of 2015
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Dated this the 12th day of November, 2015

ORDER

The defacto complainant and the two accused in C.C.No.660 of 2009 of the Judicial First Class Magistrate Court, Kayamkulam seek orders quashing the prosecution against the accused under Section 498A IPC (Crime No.176 of 2009). They jointly seek orders on the ground of amicable settlement of whole dispute out of court. They have been residing separately for six years, but now the victim has joined her husband in matrimony. The whole matrimonial dispute stands resolved forever on the intervention of persons acceptable to both sides.

2. In so many decisions, the Honourable 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 come to terms amicably out of

court, or if continuance of the prosecution will not serve any purpose. Here, I find a genuine settlement between the parties. The husband and the wife have now reunited in matrimony. In such a situation, it is appropriate that the pending prosecution under Section 498A IPC against the petitioners 1 and 2 be quashed.

In the result, this petition is allowed. The prosecution against the petitioners 1 and 2 in C.C.No.660 of 2009 of the Judicial First Class Magistrate Court, Kayamkulam will stand quashed under Section 482 Cr.P.C.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE