

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. 7171 of 2015

CC 1713/2014 of J.M.F.C.-I, NEYYATTINKARA

**CRIME NO. 866/2014 OF NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER/A1 TO A3 :-

- 1. SUBIN, AGED 33 YEARS, S/O.BHASKARAN,
LEELA COTTAGE, IRUMBIL THEKKATHUNADA,
IRUMBIL DESOM, NEYYATTINKARA VILLAGE,
THIRUVANANTHAPURAM.**
- 2. LEELA BHAI, AGED 58, D/O.ANBU,
LEELA COTTAGE, IRUMBIL THEKKETHUNADA,
IRUMBIL DESOM, NEYYATTINKARA VILLAGE,
THIRUVANANTHAPURAM.**
- 3. BHASKARAN, AGED 68 YEARS,
S/O.KOCHAPPI NADAR, LEELA COTTAGE,
IRUMBIL THEKKETHUNADA, IRUMBIL DESOM,
NEYYATTINKARA VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE & CW1 :-

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
NEYYATTINKARA POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JENCY, AGED 29 YEARS,
D/O.GLORY, GOLDEN COTTAGE, ODAMKUZHI,
MANKKADU DESOM, THIRUMALA VILLAGE,
THIRUVANANTHAPURAM, PIN-695006.**

R2 BY ADV. SRI.HRITHWIK

R1 BY SMT.SHEEBA M.T., 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. 7171 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO:866/2014 OF
NEYYATTINKARA POLICE STATION.**

ANNEXURE B : AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

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.7171 of 2015

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Dated this the 12th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.1713 of 2014 of the Judicial First Class Magistrate Court-I, Neyyattinkara. 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 498A read with Section 34 of the Indian Penal Code on the complaint of one Jency, 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. 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and the claim also stands settled. It is submitted that the parties have decided to part ways in terms of the settlement. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1713 of 2014 of the Judicial First Class Magistrate Court-I, Neyyattinkara 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**

rkj

//TRUE COPY//

P.A. TO JUDGE