

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. 7172 of 2015

CC 112/2015 of J.M.F.C.-I,ATTINGAL

CRIME NO. 1815/2014 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/DEFACTO COMPLAINANT AND ACCUSED 1 TO 3 :-

1. **ARCHA M.D., AGED 21 YEARS,
D/O.DEEPA, KOODARAM, VAZHOTTUKONAM,
VANCHIYOOR PO, ALAMCODE,
THIRUVANANTHAPURAM DISTRICT.**
2. **SANJU S, AGED 32 YEARS,
S/O, SANTHANANTHAN, ALUVILA VEEDU,
KOTTUKUNNAM PO, VAMANAPURAM,
THIRUVANANTHAPURAM DISTRICT.**
3. **RAJESWARI, AGED 53 YEARS,
D/O.RAJAMMA, ALUVILA VEEDU, KOTTUKUNNAM PO.
VAMANAPURAM, THIRUVANANTHAPURAM DISTRICT.**
4. **SALEELA, AGED 33 YEARS,
D/O.RAJESWARI, ALUVILA VEEDU, KOTTUKUNNAM PO,
VAMANAPURAM, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S)/COMPLAINANT :-

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

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:**

rkj

Crl.MC.No. 7172 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FINAL REPORT IN CC.NO.112/2015 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT I, ATTINGAL.**

**ANNEXURE A2 : TRUE COPY OF THE COMPROMISE PETITION DATED 27.10.2015
FILED BY THE 1ST AND 2ND PETITIONERS BEFORE THE FAMILY
COURT, ATTINGAL IN MC.NO.377/2014.**

**ANNEXURE A3 : TRUE COPY OF THE OP(HMA) NO.1131/2015 FILED BY THE 1ST AND
2ND PETITIONERS BEFORE THE FAMILY COURT, ATTINGAL.**

ANNEXURE A4 : AFFIDAVIT DATED 27.10.2015 SWORN TO BY 1ST PETITIONER.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7172 of 2015
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Dated this the 12th day of November, 2015

ORDER

The petitioners herein are the complainant and the three accused in C.C.No.112 of 2015 of the Judicial First Class Magistrate Court-I, Attingal. 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 498A, 323 and 324 read with Section 34 of the Indian Penal Code on the complaint of one D.Madhu, who is the father of the first petitioner in this proceeding brought under Section 482 of the Code of Criminal Procedure. The first petitioner 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 that the parties have filed a joint application for divorce under Section 13(B) of the Hindu Marriage Act 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 2 to 4 herein in C.C.No.112 of 2015 of the Judicial First Class Magistrate Court-I, Attingal 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