

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Crl.M.C.No. 7235 of 2015

**C.C. No.490/2014 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT [ECO],
ERNAKULAM
CRIME No. 599/2014 OF ERNAKULAM SOUTH POLICE STATION , ERNAKULAM**

PETITIONER:

**SHINE .T, AGED 37 YEARS,
PADINJATTAKIZHAKKU, SOORANADU P.O, KOLLAM - 690 522.**

**BY ADVS. SMT. T.S.MAYA (THIYADIL)
SMT. K.A.SUNITHA**

RESPONDENT(S):

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
[THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN SOUTH POLICE STATION] - 682 031.**

**2. VINITHA T.V, D/O.VELAYUDHAN, MAYOORAM HOUSE,
PANAMPILLY NAGAR, KADAVANTHRA P.O, KOCHI - 682 020.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA.M.T
R2 BY ADV. SRI.R.MANOJ**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: COPY OF THE FIR 599/14 OF ERNAKULAM TOWN SOUTH POLICE STATION AND FINAL REPORT PENDING BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE (ECO) COURT, ERNAKULAM AS C.C. No.490/2015.

ANNEXURE 2: COPY OF THE COMPROMISE ENTERED BETWEEN THE PETITIONER AND 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No. 7235 OF 2015

Dated this the 16th day of November, 2015

ORDER

The petitioner herein is the accused in C.C. No. 490/2014 of the Chief Judicial Magistrate Court [ECO], Ernakulam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498(A) of IPC on the complaint of one Vinitha 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

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 for ever and that the marriage stands dissolved in terms of the settlement. The claims also stand settled. In such situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The

prosecution against the petitioner herein in C.C. No. 490/2014 of the Chief Judicial Magistrate Court [ECO], Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

Sd/-
P. UBAID
JUDGE

ww