

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Crl.M.C.No. 7269 of 2015

**C.C. No.178/2015 of JUDICIAL MAGISTRATE OF FIRST CLASS,
ATTINGAL (TEMPORARY)**

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. RAJESH A.R., S/O.RAGHAVAN PILLAI,
A.R.BHAVAN, VYVELIKONAM, VETTIYARA,
NAVAYIKKULAM, THIRUVANANTHAPURAM DISTRICT.**
- 2. RAGHAVAN PILLAI, AGED 60 YEARS,
A.R.BHAVAN, VYVELIKONAM, VETTIYARA,
NAVAYIKKULAM, THIRUVANANTHAPURAM DISTRICT.**
- 3. AMBIKAMMA, W/O. RAGHAVAN PILLAI, AGED 45 YEARS,
A.R.BHAVAN, VYVELIKONAM, VETTIYARA, NAVAYIKKULAM
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI. K.T.SHYAMKUMAR
SRI. HARISH R. MENON**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
ADVOCATE GENERAL'S OFFICE, HIGH COURT OF KERALA.**
- 2. RAKHI KRISHNAN, W/O.RAJESH A.R., AGED 23 YEARS,
A.R.BHAVAN, VYVELIKONAM, VETTIYARA, NAVAYIKKULAM
THIRUVANANTHAPURAM DISTRICT - 695 032.**

**R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB
R2 BY ADV. SRI.JAI GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: COPY OF THE PRIVATE COMPLAINT FILED BY THE SECOND RESPONDENT AS CMP No.7984/2014 BEFORE THE JFMC, VARKALA.

ANNEXURE A2: CERTIFIED COPY OF THE CHARGE SUBMITTED BY THE POLICE IN C.C. No.178/2015.

ANNEXURE A3: NOTARIZED AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.7269 OF 2015

Dated this the 18th day of November, 2015

ORDER

The petitioners herein are the accused in C.C. No.178/2015 of the Judicial First Class Magistrate Court, Attigal. 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, 294(b), 323 r/w Section 34 of IPC on the complaint of one Rakhi Krishnan 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, and I am satisfied that the parties are now on quite cordial terms. 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 disputes stands resolved for ever and she has joined her husband in matrimony. The parties are

now leading a very happy married life with the daughter born in their wedlock. In the such situation it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in 178/2015 of the Judicial First Class Magistrate Court, Attigal 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