

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Crl.MC.No. 7321 of 2015 ()

AGAINST CC 639/2012 of J.M.F.C.-II, NEDUMANGAD
CRIME NO. 230/2012 OF NEDUMANGAD POLICE STATION ,
THIRUVANANTHAPURAM

PETITIONER(S)/DEFACTO COMPLAINANT.:

ATHIRA S. AGED 27 YEARS
D/O.P.SUSHEELA, SASIVILASOM, KADUVAPOKKU
PANAYAMUTTOM, PANAVER, NEDUMANGADU.

BY ADV. SRI.M.R.SASITH

RESPONDENT(S)/STATE & ACCUSED 1 TO 4:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 628 231.
2. SUB INSPECTOR OF POLICE
NEDUMANGAD POLICE STATION – 695 541.
3. RAJESH R.
S/O.RAJENDRAN, MANJU BHAVAN, KUDAMANKUNU
THAILYAL P.O., KOTTOOR, NEDUMANGAD- 695 541.
4. P.RAJENDRAN, AGED 61 YEARS
S/O.PONNU PANICKER, MANJU BHAVAN, KUDAMANKUNU
THAILYAL P.O., KOTTOOR, NEDUMANGAD.
5. LATHA, AGED 58 YEARS,
W/O.RAJENDRAN, MANJU BHAVAN, KUDAMANKUNU
THAILYAL P.O., KOTTOOR, NEDUMANGAD – 695 541.
6. RANI, AGED 38 YEARS
W/O.RAJENDRAN, MANJU BHAVAN, KUDAMANKUNU
THAILYAL P.O., KOTTOOR, NEDUMANGAD – 695 541.

R4,5,6 BY ADV. SRI.V.VINAR
R1 & R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7321 of 2015

APPENDIX

ANNEXURE A1: COPY OF THE FIR NO.230/2012 OF NEDUMANGAD POLICE
STATION

ANNEXURE A2: COPY OF THE FINAL REPORT FILED BY S.I OF NEDUMANGAD
POLICE STATION

RESPONDENTS EXHIBITS

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.7321 of 2015

Dated this the 20th day of November, 2015

O R D E R

The petitioner herein is the defacto complainant in C.C No.639/2012 of the Judicial First Class Magistrate Court II, Nedumangad. The said prosecution involves the offence punishable under Section 498A of the Indian Penal Code. The four accused in the case are her husband and in-laws. The defacto complainant now seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute out of court. The petition shows that the whole matrimonial disputes resolved forever, and that the complainant does not want to prosecute the matter further.

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 the prosecution 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. The victim's claims also stand settled.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.639/2012 of the Judicial First Class Magistrate Court II, Nedumangad will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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