

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. 7336 of 2015

CC 358/2015 OF J.M.F.C. FOR THE TRIAL OF FOREST OFFENCES, NEDUMANGADU

CMP 1386/2015 of J.M.F.C.-III, NEDUMANGADU

CRIME NO. 157/2015 OF VITHURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED 1 TO 3 :-

1. **SUNIL, AGED 35 YEARS, S/O.GOPI,
RESIDING AT SUNIL BHAVAN, VP-III/177,
KARIMBANADI, KOTTIYATHARA, VITHURA,
THIRUVANANTHAPURAM.**
2. **SYAMALA, D/O.BHARATHI, AGED 59 YEARS,
RESIDING AT SUNIL BHAVAN, VP-III/177,
KARIMBANADI, KOTTIYATHARA, VITHURA,
THIRUVANANTHAPURAM.**
3. **SUMA, D/O.SYAMALA, AGED 36 YEARS,
RESIDING AT SUNIL BHAVAN, VP-III/177,
KARIMBANADI, KOTTIYATHARA, VITHURA,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR**

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT :-

1. **STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR AT THE HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
2. **VISHNUPRIYA, D/O.SREEJA, AGED 19 YEARS,
THADATHARIKATHU VEEDU, PATTATHANAM, PANAYAM,
PANAVOOR VILLAGE, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM - 695 541.**

**R2 BY ADV. SRI.SAJU.S.A
R1 BY SRI.ABHIJITH LESLIE, PUBLIC PROSECUTOR**

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

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A :- A CERTIFIED COPY OF THE FIR IN CRIME NO.157 OF 2015 OF
VITHURA POLICE STATION.**

**ANNEXURE B : A TRUE COPY OF THE CHARGESHEET IN CRIME NO.157 OF 2015
OF VITHURA POLICE STATION.**

ANNEXURE C :- THE AFFIDAVIT SWORN TO BY THE SECOND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7336 of 2015
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Dated this the 20th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.358 of 2015 of the Judicial First Class Magistrate Court for the Trial of Forest Offences, Nedumangadu. 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 498A read with Section 34 of the Indian Penal Code on the complaint of one Vishnupriya, 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. It is submitted that the marriage stands dissolved by decree in terms of the settlement. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.358 of 2015 of the Judicial First Class Magistrate Court for the Trial of Forest

Offences, Nedumangadu 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