

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. 7337 of 2015

CC 871/2013 Off J.M.F.C.-I, NEDUMANGADU

CRIME NO. 354/2012 OF VENJARAMOODU POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :-

**VENU, AGED 48 YEARS, S/O.SUKUMARAN,
RESIDING AT POOVATHOOR CHARUVILA VEEDU,
KARIMKUTTIKKARA P.O., ANAKUDI,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM
AND ORIGINALLY FROM PAPPALA CHARUVILA VEEDU,
THATTATHUMALA P.O., PAZHAYAKUNNUMMEL VILLAGE,
KILIMANOOR, THIRUVANANTHAPURAM.**

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

RESPONDENT(S)/STATE AND DE-FACTO COMPLAINANT :-

- 1. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR AT THE HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. SATHYABHAMA, D/O.KOCHUPENNU, AGED 44 YEARS,
RESIDING AT POOVATHOOR CHARUVILA VEEDU,
KARIMKUTTIKKARA P.O., ANAKUDI,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM - 695 606.**

**R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR
R2 BY SRI.SAJU.S.A**

**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.354 OF 2012 OF
VENJARAMMOODU POLICE STATION TOGETHER THE COMPLAINT
FILED BY THE SECOND RESPONDENT HEREIN BEFORE THE
COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I,
NEDUMANGADU, ATTACHED THEREWITH.**

**ANNEXURE B : A TRUE COPY OF THE CHARGESHEET IN CRIME NO.354 OF 2012
OF VENJARAMMOODU POLICE STATION.**

**ANNEXURE C : THE AFFIDAVIT DATED 26.10.2015 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.7337 of 2015
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Dated this the 20th day of November, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.871 of 2013 of the Judicial First Class Magistrate Court-I, Nedumangad. 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 498A of the Indian Penal Code .on the complaint of one Sathyabhama, 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 dispute stands resolved forever, and that she has joined her husband in matrimony. In such a 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.871 of 2013 of the Judicial First Class Magistrate Court-I, Nedumangad 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

rkj

//TRUE COPY//

P.A. TO JUDGE