

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937**

**Crl.MC.No. 7349 of 2015**  
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**CC 2568/2013 of J.M.F.C.-I, KOCHI**

**CRIME NO. 830/2013 OF MARADU POLICE STATION, ERNAKULAM**

**PETITIONER(S)/ACCUSED 1 & 2 :-**  
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- 1. PRAJEETH E.G., AGED 32 YEARS,  
S/O.P.K.GOPALAKRISHNAN,  
EDAMPADATH HOUSE, VENNALA,  
KOCHI - 682 028.**
- 2. NAINA, AGED 54 YEARS,  
W/O.P.K.GOPALAKRISHNAN,  
EDAMPADATH HOUSE, VENNALA,  
KOCHI - 682 028.**

**BY ADVS.SRI.N.A.SHAFEEK  
SRI.S.A.ANAND  
SRI.P.V.ARUN KUMAR**

**RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :-**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM.**
- 2. NEETHU, AGED 28 YEARS,  
D/O.P.V.LALAN, POOPPANAYIL HOUSE,  
HOUSE NO.18/291, POLICE STATION ROAD,  
MARADU, KOCHI - 682 304.**

**R2 BY ADV. SRI.M.X.ANTONY LIJO  
R1 BY SMT. SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**rkj**

**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A1 :- CERTIFIED COPY OF THE FIR IN CRIME NO.830/2013 OF  
MARADU POLICE STATION.**

**ANNEXURE A2 :- CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.2568/2013  
OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, KOCHI.**

**ANNEXURE A3 :- AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 9//1/2015.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.No.7349 of 2015**  
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Dated this the 21<sup>st</sup> day of November, 2015

**ORDER**

The petitioners herein are the two accused in C.C.No.2568 of 2013 of the Judicial First Class Magistrate Court-I, Kochi. 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 498 (A) read with Section 34 of the Indian Penal Code on the complaint of one Neethu, who is the 2<sup>nd</sup> 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, and that the marriage stands dissolved by decree. It is submitted that the claim also stands settled. 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.2568 of 2013 of the Judicial First Class Magistrate Court-I, Kochi 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