

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

Cri.MC.No. 7350 of 2015

CC 1640/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NJARACKAL

CRIME NO. 263/2015 OF MUNAMBOM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED NOS. 1 TO 4 :-

1. SOJO JOSEPH, AGED 36 YEARS,
S/O.JOSEPH, KAITHARAN HOUSE,
NEAR KOMARANTHI BRIDGE,
CHERAI, PALLIPPURAM, ERNAKULAM.
2. JOSEPH, AGED 65 YEARS,
S/O.VARGHESE, KAITHARAN HOUSE,
NEAR KOMARANTHI BRIDGE,
CHERAI, PALLIPPURAM, ERNAKULAM.
3. SOSAMMA, AGED 65 YEARS,
W/O.JOSEPH, KAITHARAN HOUSE,
NEAR KOMARANTHI BRIDGE,
CHERAI, PALLIPPURAM, ERNAKULAM.
4. SMIJI, AGED 31 YEARS,
D/O.JOSEPH, KAITHARAN HOUSE,
NEAR KOMARANTHI BRIDGE,
CHERAI, PALLIPPURAM, ERNAKULAM.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/INFORMANT & STATE :-

1. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO.263/2015 OF MUNAMBAM
POLICE STATION, ERNAKULAM DISTRICT).
2. DAISY MATHEW, AGED 26 YEARS,
D/O.MATHEW, KATTUPURATH HOUSE,
THEVARA, PERUMANOOR VILLAGE,
KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

**R2 BY ADV. SRI.VINOD KUMAR.C
R1 BY SRI.JUSTIN JACOB, 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

Crl.MC.No. 7350 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.263/2015
OF MUNAMBAM POLICE STATION.**

ANNEXURE II : AFFIDAVIT DATED 1910.2015 SWORN 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.7350 of 2015
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Dated this the 21st day of November, 2015

ORDER

The petitioners herein are the four accused in C.C.No.1640 of 2015 of the Judicial First Class Magistrate Court, Njarackal. 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 Daisy Mathew, 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, and the parties have been residing separately in terms of the settlement. They have also filed a joint petition for divorce 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.1640 of 2015 of the Judicial First Class Magistrate Court, Njarackal 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