

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.MC.No. 7365 of 2015

CC 645/2014 of C.J.M., KALEPETTA

CRIME NO. 111/2014 OF MEPPADI POLICE STATION, WAYANADU

PETITIONER(S)/ACCUSED :-

1. LIJO GEORGE, AGED 30 YEARS,
S/O.T.J.GEORGE, THOTTATHIL (HOUSE),
GOODALAI, KALPETTA (P.O.), WAYANADU.
2. T.J.GEORGE, AGED 57 YEARS,
S/O.JOSEPH, THOTTATHIL (HOUSE),
GOODALAI, KALPETTA (P.O.), WAYANADU.
3. LILLY GEORGE, AGED 55 YEARS,
W/O.T.J.GEORGE, THOTTATHIL (HOUSE),
GOODALAI, KALPETTA (P.O.), WAYANADU.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT(S)/COMPLAINANT :-

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. RILNA ROSE, AGED 30 YEARS,
D/O.VARGHESE, NOW RESIDING AT
METHIPPARA (HOUSE),
EDAVAKA (POST), KALLODI, MANANTHAWADY,
WAYANADU DISTRICT, PIN - 670 645.

R2 BY ADV. SRI.TOLY VARGHESE
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : THE CERTIFIED COPY OF FINAL REPORT REGISTERED AS
C.C.NO.645/2014 ON THE FILES OF CHIEF JUDICIAL MAGISTRATE
COURT, KALPETTA.**

**ANNEXURE B : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
13.11.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7365 of 2015
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Dated this the 23rd day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.645 of 2014 of the Judicial First Class Magistrate Court, Kalpetta. 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 Sections 341, 323, 406 and 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Rilna Rose, 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 that the marriage stands dissolved. The victim's dues also stand 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.645 of 2014 of the Judicial First Class Magistrate Court, Kalpetta 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.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE