

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Crl.MC.No. 7369 of 2015

**CC 2092/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHENGANNUR
CRIME NO. 972/2013 OF CHENGANNOOR POLICE STATION ,
ALAPPUZHA
.....**

PETITIONERS/ACCUSED NO. 1 & 2:

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- 1. RAJESH KUMAR R., AGED 38 YEARS
S/O M.S.RAJAN, RAJESH BHAVAN, KARAKKAD P.O.
MULAKUZHA VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**
 - 2. M.S.RAMACHANDRAN, AGED 62 YEARS
S/O SHANKARAN, RAJESH BHAVAN, KARAKKAD P.O.
MULAKUZHA VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**

BY ADV. SRI.K.JAYARAJ

RESPONDENTS:

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- 1. HRIDAYA PUSHPAN, AGED 30 YEARS
TINTU VILLA, KARAKKAD P.O., MULAKUZHA VILLAGE
CHENGANNUR TALUK, ALAPPUZHA DISTRICT., PIN - 688 001**
 - 2. THE STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE, CHENGANNUR
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 203.**

R1 BY ADV. SRI.K.M.ANEESH

R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CrI.MC.No. 7369 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE I: A TRUE COPY OF THE FINAL REPORT IN C.C. NO.2092/2013.

ANNEXURE:II A TRUE COPY OF THE FIR

RESPONDENT(S)' ANNEXURES:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

P. UBAID, J.

Crl.M.C. No.7369 of 2015

Dated this the 3rd day of December, 2015

O R D E R

The petitioners herein are the two accused in C.C No. 2092/2013 of the Judicial First Class Magistrate Court - I, Chengannur. 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 498(A) and 34 of Indian Penal Code on the complaint of one Hridaya Pushpan who is the 1st 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the claims also stand settled. It is averred that the victim and the first petitioner have already filed a joint application for divorce before the Family Court under Section 13B of the Hindu Marriage Act. In such a situation, it is appropriate that the prosecution can be quashed.

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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No. 2092/2013 of the Judicial First Class Magistrate Court - I, Chengannur 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.

P. UBAID, JUDGE

DCS