

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Crl.MC.No. 7402 of 2015 ()

AGAINST CC 672/2014 of J.M.F.C.,KOLENCHERRY
CRIME NO. 406/2013 OF MULANTHURUTHY POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED:

1. SHIJU T.V. AGED 37 YEARS
S/O.LATE VASU E.K, THADATHIL HOUSE,
MULANTHURUTHY P.O,
KULAYATTIKKARA,
ARAYANKAVU – 682 315.
2. NALINI, AGED 62 YEARS,
W/O.LATE VASU E.K, THADATHIL HOUSE,
MULANTHURUTHY P.O, KULAYATTIKKARA,
ARAYANKAVU – 682 315.

BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.SYAMA MOHAN

RESPONDENTS/COMPLAINANT & STATE:

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCI – 682 031.
2. THE SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION,
PIN – 682 314.
3. REMYA K.A., AGED 36 YEARS,
KEECHENKERIL HOUSE,
KULAYATTINKARA P.O,
THOTTARA, ARAYANKAVU,
ERNAKULAM, PIN 682 315.

R3 BY ADV. SRI.VINOD.S.PILLAI
R1 & R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7402 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-I: CERTIFIED COPY OF THE FINAL REPORT NO.525/2013
DATED 23.7.2013.

ANNEXURE-II: TRUE COPY OF THE MEDIATION AGREEMENT DATED
12.5.2015

ANNEXURE-III: AFFIDAVIT OF THE 3RD RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.7402 of 2015

Dated this the 24th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.672/2014 of the Judicial First Class Magistrate Court, Kolenchery. 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 498A IPC, on the complaint of one Remya, who is the 3rd 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. It is submitted that the victim and the first petitioner have parted ways in terms of the settlement arrived at in mediation, and the claims of the victim also stand settled. In such a situation, it is appropriate that the prosecution 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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.672/2014 of the Judicial First Class Magistrate Court, Kolenchery 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

sd

// True Copy // P.A. to Judge