

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Crl.MC.No. 7409 of 2015 ()

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CC 169/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THRISSUR
CRIME NO. 1146/2013 OF NEDUPUZHA POLICE STATION, THRISSUR DISTRICT
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PETITIONERS/ACCUSED:

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- 1. DARSAN, AGED 38 YEARS, S/O.N.S.RANJANAN
NELLIPARAMBATH HOUSE, KASTHURBA LANE
KOORKENCHERY, THRISSUR 680 007.**
 - 2. N.S.RANJANAN, AGED 74 YEARS
S/O.LATE SUKUMARAN, NELLIPARAMBATH HOUSE
KASTHURBA LANE, KOORKENCHERY, THRISSUR 680 007.**
 - 3. SMT.PRASANNA, AGED 63 YEARS
W/O.RANJANAN, NELLIPARAMBATH HOUSE, KASTHURBA LANE
KOORKENCHERY, THRISSUR 680 007.**

BY ADV. SRI.LELLULAL T.G.THUNDATHIL

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

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- 1. RAJEESHA P.R, AGED 30 YEARS
D/O.P.K.RAGHAVAN, PULLINKUZHI HOUSE
NADATHARA P.O., NADATHARA VILLAGE
THRISSUR TALUK, THRISSUR DISTRICT 680 751.**
 - 2. SUB INSPECTOR OF POLICE
NEDUPUZHA POLICE STATION
THRISSUR REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

R1 BY ADV. SRI.S.SHYAM

R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- A1: CERTIFIED COPY OF THE FIR IN CRIME NO.1146/2013 OF NEDUPUZHA POLICE STATION**
- A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1146/2013 OF NEDUPUZHA POLICE STATION**
- A3: TRUE PHOTOSTAT COPY OF MEDIATION AGREEMENT DATED 18/02/2015**
- A4: NOTARY ATTESTED AFFIDAVIT OF FIRST RESPONDENT DATED 30/10/2015**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7409 of 2015

Dated this the 25th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C.No.169/2014 of the Judicial First Class Magistrate Court-II, Thrissur. 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, 406 and 34 IPC, on the complaint of one Rajeesha, 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 parties have already filed an application for divorce under Section 13B of the Hindu Marriage Act in terms of the settlement. It is submitted that the claims 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.169/2014 of the Judicial First Class Magistrate Court-II, Thrissur, 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

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// True Copy //

P.A. To Judge