

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Crl.MC.No. 7453 of 2015 ()

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CC 559/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MAVELIKKARA
CRIME NO. 121/2013 OF KURATHIKADU POLICE STATION, ALAPPUZHA DISTRICT
=====**

PETITIONERS/ACCUSED NOS.1 TO 3:

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- 1. RENNY JOHN, AGED 35 YEARS
S/O.YOHANAN, PALLIYUDEKIZHAKKATHIL, KURATHIKADU
THEKKEKKARA, MAVELIKKARA, ALAPPUZHA.**
 - 2. YOHANAN, AGED 63 YEARS, S/O. ABRAHAM
PALLIYUDEKIZHAKKATHIL, KURATHIKADU
THEKKEKKARA, MAVELIKKARA, ALAPPUZHA.**
 - 3. KUNJAMMA JOHN, AGED 57 YEARS
W/O.YOHANNAN, PALLIYUDEKIZHAKKATHIL, KURATHIKADU
THEKKEKKARA, MAVELIKKARA, ALAPPUZHA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT/COMPLAINANT/CW-1:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
 - 2. JOLLY THOMAS, AGED 27 YEARS
D/O.K.T.THOMAS, KIZHAKKEDATHU VEETIL
IBBAPARAKARAYIL, PATHANAMTHITTA.**
- R2 BY ADV. SMT.T.M.BINITHA
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE 1. COPY OF THE FINAL REPORT.

ANNEXURE 2. COPY OF AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7453 of 2015

Dated this the 26th day of November, 2015

O R D E R

The petitioners herein are the three accused in C.C.No.559/2013 of the Judicial First Class Magistrate Court-I, Mavelikkara. 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 34 IPC, on the complaint of one Jolly Thomas, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and the marriage stands dissolved by decree. 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.559/2013 of the Judicial First Class Magistrate Court-I, Mavelikkara, 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