

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Crl.MC.No. 7465 of 2015

CC 2629/2014 of J.M.F.C.,CHAVAKKAD

CRIME NO. 1389/2014 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED :-

- 1. SREEKUMAR, AGED 38 YEARS, S/O. SURENDRAN,
CHENAMKULATH HOUSE, VENGARI P.O.,
KOZHIKODE DISTRICT.**
- 2. GANGADEVI, AGED 67 YEARS, W/O. SURENDRAN,
CHENAMKULATH HOUSE, KAKKAMVELLI,
NADAPURAM, VENGARI, KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT & STATE :-

- 1. SEENA, AGED 33 YEARS, D/O. SUDHAKARAN,
RESIDING AT KALATHUPURATHU HOUSE,
KANDANISSERY P.O., THRISSUR DISTRICT-680 001.**
- 2. THE SUB INSPECTOR OF POLICE,
GURUVAYUR POLICE STATION, THRISSUR DISTRICT-680 001.**
- 3. STATE OF KERALA, (RESPONDENTS 2 AND 3
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.)**

**R1 BY ADV. SRI.C.C.ANOOP
R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7465 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF THE FINAL REPORT & FIR INSC NO.2629/2014
ON THE FILE OF THE COURT OF THE JUDICIAL FIRST CLASS
MAGISTRAE, CHAVAKKAD.**

**ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7465 of 2015
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Dated this the 27th day of November, 2015

ORDER

The petitioners herein are the two accused in C.C.No.2629 of 2014 of the Judicial First Class Magistrate Court, Chavakkad. 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 406, 498A, 323 and 506(ii) read with Section 34 of the Indian Penal Code on the complaint of one Seena, 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.

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 the parties have decided to file a joint petition for divorce under Section 13 (B) of the Hindu Marriage Act. The claims also stand settled. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.2629 of 2014 of the Judicial First Class Magistrate Court, Chavakkad 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**

rkj

//TRUE COPY//

P.A. TO JUDGE