

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Crl.MC.No. 7508 of 2015 ()

**IN CC 631/2015 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
MUVATUPUZHA**

CRIME NO. 95/2015 OF KALLOORKADU POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

**LALU JOHN AGED 32 YEARS
S/O.JOHN, THEKKEKARA HOUSE, ENANALLOOR VILLAGE
MUVATTUPUZHA.**

BY ADV. SRI.SOJAN MICHEAL

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

**1. STATE OF KERALA
(S.I OF POLICCE, KALLOORKKADU POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.**

**2. ELDIT DEVASSIA
D/O.DEVASSY, PALLATHUKUDI HOUSE, OKKAL KARA
OKKAL PO, CHELAMATTAM VILLAGE PIN 683 105.**

**R2 BY ADV. SRI.NISHIL.P.S.
R1 BY SRI JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7508 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEUXRE I: COPY OF THE FINAL REPORT DATED 30.4.2015 IN CRIME NO.95/2015
OF KALLOORKKADU POLICE STATION**

**ANNEUXRE II: COPY OF THE AFFIDAVIT DATED 20.11.2015 SWORN BY THE 2ND
RESPONDENT**

RESPONDENT(S)' ANNEXURES: N I L

//TRUE COPY//

PA TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7508 of 2015

Dated this the 30th day of November, 2015

O R D E R

The petitioner herein is the accused in C.C. No.631/2015 of the Judicial First Class Magistrate Court, Muvattupuzha. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498-A IPC, on the complaint of one Eldit Devassia, 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 parties have filed a joint application for divorce in terms of the settlement arrived at. In such a situation, it is appropriate that the pending 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 prosecution 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 petitioner herein in C.C. No.631/2015 of the Judicial First Class Magistrate Court, Muvattupuzha will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge