

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA,
1937

Cr1.MC.No. 7527 of 2015

IN CC 775/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, ALAPPUZHA
CRIME NO. 139/2013 OF ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA

PETITIONER/ACCUSED :

SUMESH BABU, AGED 32 YEARS,
S/O. BABU, MAMOOTIL CHIRA, PAZHAVEEDU P.O,
ALAPPUZHA.

BY ADVS.SRI.DARSAN SOMANATH
SRI.V.DEEPAK

RESPONDENTS/COMPLAINANTS :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. RAKHI, AGED 24 YEARS,
D/O. RAJU, PAANAM THAYIL VEEDU,
ARYAD PANCHAYATH,
WARD-12, ALAPPUZHA.

R2 BY ADV. SRI.VINAY RAMDAS
R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7527 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : CERTIFIED COPY OF FIRST INFORMATION REPORT
IN CRIME NO.139/2013 OF ALAPPUZHA SOUTH POLICE STATION.

ANNEXURE A2 : CERTIFIED COPY OF FINAL REPORT FILED BY
ALAPPUZHA SOUTH POLICE BEFORE HON'BLE JUDICIAL FIRST
CLASS MAGISTRATE COURT-I, ALAPPUZHA IN CC NO.775/2013.

ANNEXURE A3 : AFFIDAVIT SOLEMNLY AFFIRMED BY THE 2ND
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 7527 of 2015

Dated this the 1st day of December, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.775/2013 of the Judicial First Class Magistrate Court I, Alappuzha. 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 498A of the Indian Penal Code on the complaint of one Rakhi who is the second 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 the 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have filed a joint application for divorce under Section 13B of the Hindu Marriage Act. Her claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.775/2013 of the Judicial First Class Magistrate Court I, Alappuzha 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**

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