

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

Crl.MC.No. 7537 of 2015 ()

IN CC 898/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT,VADAKARA

CRIME NO. 989/2014 OF VATAKARA POLICE STATION , KOZHIKODE

PETITIONER(S):

- 1. ANILKUMAR, S/O KANNAN
AGED 39 YEARS, AJITH NIVAS,
NADAKKUTHAZHE, VATAKARA**
- 2. SHEEJA, D/O KANNAN,
AGED 46 YEARS, AJITH NIVAS,
NADAKKUTHAZHE, VATAKARA**

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENT(S):

- 1. THE STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
VATAKARA POLICE STATION, KOZHIKODE
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. VIJISHA, D/O VIJAYAN
AGED 38 YEARS, VALIYAPARAMBATH HOUSE
VALLIKKAD, MUTUNKAL PO,
VATAKARA - 673 101**

**R1 BY SMT.MADHUBEN, PUBLIC PROSECUTOR
R2 BY ADV. SRI.ELDHO MATHEW**

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

Crl.MC.No. 7537 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE-I : COPY OF THE FIRST INFORMATION REPORT NO.989/2014
DATED 01.10.2014**
- ANNEXURE-2 : COPY OF THE FINAL REPORT DATED 30.10.2014**
- ANNEXURE-3 : COPY OF HTE AFFIDAVIT OF THE 2ND RESPONDENT DATED
05.08.2015**

RESPONDENTS' ANNEXURES: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P.UBAID, J.

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Crl.M.C.No.7537 of 2015
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Dated this the 1st day of December, 2015

ORDER

The petitioners herein are the two accused in C.C.No.898 of 2015 of the Judicial First Class Magistrate Court, Vadakara. 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 498A and 406 and read with Section 34 of the Indian Penal Code on the complaint of one Vijisha, 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.

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. It is submitted that the parties have parted ways in terms of the settlement. The claim also stands settled, and the parties have already filed a joint application for divorce before the family court under Section 13(B) of the Hindu Marriage Act. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.898 of 2015 of the Judicial First Class Magistrate Court, Vadakara 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