

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA,
1937

Cr1.MC.No. 7565 of 2015

IN C.C 102/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT I, VARKALA
CRIME NO. 645/2013 OF KALLAMBALAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONER/ACCUSED:

RAJU, AGED 40 YEARS,
S/O.RADHAKRISHNAN, CHARUVILA PUTHEN VEEDU,
VETTIYARA,
NAVAIKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682031.
2. RAJI S. NAIR, AGED 34 YEARS,
D/O. SARALA DEVI, PLAVILA VEEDU, VAIRAMALA,
NAVAIKULAM, KUDAVOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT-695010.

R2 BY ADV. SRI.C.S.SUMESH

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 02-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7565 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE F.I.R IN CRIME
NO.645/2013 OF KALLAMBALAM POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.645/2013 OF KALLAMBALAM POLICE STATION.

ANNEXURE A3: NOTARIZED AFFIDAVIT OF THE 2ND RESPONDENT ON
THE BASIS OF SETTLEMENT WITH THE PETITIONER DATED
27.11.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7565 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The petitioner herein is the accused in C.C No.102/2014 of the Judicial First Class Magistrate Court I, Varkala. 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 Sections 498(A), 323 and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Raji 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 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, the marriage stands dissolved by a decree, and that the claims of the victim also stand adequately 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.102/2014 of the Judicial First Class Magistrate Court I, Varkala 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**

ab

//True Copy//