

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Cr1.MC.No. 7687 of 2015 ()

AGAINST CC 383/2014 of J.M.F.C.- I, OTTAPPALAM

PETITIONER(S) :

1. PREMCHAND AGED 28 YEARS
S/O.CHANDRAN, 7/13B, RAJARAKTHAM NAGAR
SELVAPURAM, COIMBATORE, TAMILNADU.
2. KAMALAM AGED 53 YEARS
W/O.CHANDRAN, 7/13B, RAJARAKTHAM NAGAR
SELVAPURAM, COIMBATORE, TAMILNADU.
3. RENJISHA AGED 26 YEARS
W/O.KAMALCHAND, 7/13B, RAJARAKTHAM NAGAR
SELVAPURAM, COIMBATORE, TAMILNADU.
4. CHANDRAN AGED 60 YEARS
S/O.SANKUNNI, 7/13B, RAJARAKTHAM NAGAR
SELVAPURAM, COIMBATORE, TAMILNADU.
5. KAMAL CHAND AGED 36 YEARS
S/O.P.CHANDRAN, 7/13B, RAJARAKTHAM NAGAR
SELVAPURAM, COIMBATORE, TAMILNADU.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S) :

1. SHUBA
D/O.RAJAN, CHALLAMPATTA, CHENIKAPARAMBIL HOSUE
VARODU, OTTAPPALAM, PALAKKAD-679 101.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULA, PIN-682 031.

R1 BY ADV. SRI.UNNI SEBASTIAN KAPPEN
R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7687 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE-A. TRUE COPY OF THE FINAL REPORT IN CRIME NO.57/2014 OF
OTTAPALAM POLICE STATION IN PALAKKAD IN CC 383/2014 ON
THE FILE OF THE JFCMC, OTTAPPALAM.

ANNEXURE-B. AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING
THE AFORESAID SETTLEMENT.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

vdv

P.UBAID, J.

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Crl. M.C No.7687 of 2015

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Dated this the 9th day of December, 2015

ORDER

The petitioners herein are the five accused in C.C No.383/2014 of the Judicial First Class Magistrate Court, Ottapalam. 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 Section 498A r/w Section 34 of the Indian Penal Code on the complaint of one Shuba, 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. Her affidavit shows that the whole matrimonial disputes stand resolved for ever, and the parties have decided to file a joint application for divorce under Section 13(B) of the Hindu Marriage Act before the Family Court. The claim of the victim also stands settled. In such a situation, it is appropriate that the 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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.383/2014 of the Judicial First Class Magistrate's Court, Ottapalam 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 them will stand discharged.

Sd/-
P.UBAID, JUDGE