

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

Crl.MC.No. 7694 of 2015 ()

**CC.NO. 1341/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR
CRIME NO. 375/2012 OF KODUMON POLICE STATION , PATHANAMTHITTA DISTRICT**

PETITIONERS:-ACCUSED NOS. 1 AND 2:

- 1. KANNAN, AGED 41 YEARS,
S/O. KRISHNAN CHETTIYAR, KRISHNALAYAM HOUSE,
EDATHITTA P.O., KODUMON VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.**
- 2. SANKARAMMAL,
W/O. KRISHNAN CHETTIYAR, KRISHNALAYAM HOUSE,
EDATHITTA P.O., KODUMON VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. RAJIMOL, AGED 36 YEARS,
W/O. KANNAN, KRISHNALAYAM HOUSE, EDATHITTA P.O.,
KODUMON VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT-691 555.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.P.R.JAYASANKAR
R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB**

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

sts

Crl.MC.No. 7694 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1- TRUE COPY OF THE FIR IN CRIME NO. 375 OF 2012 OF KODUMON
POLICE STATION.**

**ANNEX A2- TRUE COPY OF THE FINAL REPORT DATED 3-8-2012 IN CRIME NO. 375
OF 2012 OF KODUMON POLICE STATION.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

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Crl. M.C No.7694 of 2015
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Dated this the 9th day of December, 2015

ORDER

The petitioners herein are the two accused in C.C No.1341/2012 of the Judicial First Class Magistrate Court, Adoor. 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 323 and 498A r/w Section 34 of the Indian Penal Code on the complaint of one Rajimol, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. Her affidavit shows that whole matrimonial dispute stands resolved for ever, and she has joined her husband in matrimony. 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.1341/2012 of the Judicial First Class Magistrate Court, Adoor 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

vdv