

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Crl.MC.No. 7752 of 2015 ()

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CC 119/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,PATHANAMTHITTA
CRIME NO. 539/2012 OF KODAL POLICE STATION , PATHANAMTITTA DISTRICT
=====**

PETITIONER/ACCUSED:

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VINOD KUMAR T.G., AGED 39 YEARS
S/O.GANGADHARAN & THANKAMANI
LEKHAMANDIRAM VEEDU
NEAR GOVT. HIGH SCHOOL, NETTAYAM
EROOR, PATHANAPURAM.**

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS/STATE & COMPLAINANT:

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1. STATE OF KERALA
REP. BY SUB INSPECTOR OF POLICE
KODAL POLICE STATION, (CRIME NO.539/2012, KODAL
KODAL, PATHANAMTHITTA DISTRICT
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031.**

**2. ANJALI T.VIJAYAN, AGED 34 YEARS
D/O.VIJAYAN, AISWARYA NILAYAM, KODAL PO
ATHIRUNKAL, KONNI TALUK, PATHANAMTHITTA 689 693.**

**R1 BY ADV. SRI.P.A.IBRAHIM
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN NACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE A1-** **A TRUE COPY OF THE FINAL REPORT IN CRIME NO.539/2012 OF KODAL POLICE STATION, KODAL FILED BEFORE THE HON'BLE JUDICIAL FIRST CLAS MSGISTRATE COURT-I, PATHANAMTHITTA DATED 28.12.2012**
- ANNEXURE A2-** **A TRUE COPY OF THE TERIMS OF SETTLEMENT BETWEEN THE PETITIONER AND THE 2ND RESPONDENT FILED BEFORE THE HONOURABLE FAMILY COURT, PATHANAMTHITTA IN OP NO.342/13 DATED NIL**
- ANNEXURE A3-** **A TRUE COPY OF THE PETITION FILED BY THE PETITIONER AND THE 2ND RESPONDENT BEFORE THE HON'BLE FAMILY COURT, PATHANAMTHITTA AS OP (HMA) NO.562/2015 DATED 9.3.2015**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7752 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioner herein is the accused in C.C.No.119/2013 of the Judicial First Class Magistrate Court-I, Pathanamthitta. 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 498-A IPC, on the complaint of one Anjali T. Vijayan, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever. The marital tie stands dissolved by decree on a joint petition filed by the parties under Section 13B of the Hindu Marriage Act. The claims also stand 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 petitioner herein in C.C.No.119/2013 of the Judicial First Class Magistrate Court-I, Pathanamthitta 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

sd

// True Copy //

P.A. to Judge