

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA,
1937

Cr1.MC.No. 7840 of 2015

IN C.C 1463/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KAYAMKULAM
CRIME NO. 794/2013 OF KAYAMKULAM POLICE STATION,
ALAPPUZHA

PETITIONER/ACCUSED:

SREEKUMAR, AGED 39 YEARS,
S/O.VAMADEVAN, IKKALETHU, KANDALLOOR NORTH,
PATTOLI MARKET P.O., KANDALLOOR VILLAGE,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.K.SHAJ
SRI.RENJIT GEORGE

RESPONDENTS/STATE AND CW1:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.
2. MANJU, AGED 30 YEARS,
D/O.KRISHNAMMA, RESIDING AT MADATHIL THEKKETHIL,
PERINGALA, KAYAMKULAM, ALAPPUZHA DISTRICT
PIN - 690 502.

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB
R2 BY SRI.SERGI JOSEPH THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 16-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7840 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: THE CERTIFIED COPY OF THE CHARGE SHEET IN
CC 1463/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KAYAMKULAM IN CRIME NO.794/2013 OF KAYAMKULAM
POLICE STATION.

ANNEXURE-A2: AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT
STATING THE SETTLEMENT OF ALL THE DISPUTES

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7840 of 2015

Dated this the 16th day of December, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.1463/2014 of the Judicial First Class Magistrate Court, Kayamkulam. 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) and 406 of the Indian Penal Code on the complaint of one Manju 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 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. It is submitted from both sides that the parties have obtained divorce under Section 13B of the Hindu Marriage Act on mutual consent, and that the claims of the victim also stand 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.1463/2014 of the Judicial First Class Magistrate Court, Kayamkulam 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//