

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. 7852 of 2015

IN CC 1093/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -III, THRISSUR
CRIME NO. 206/2015 OF OLLUR POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

BABU, AGED 44 YEARS,
S/O.NARAYANAN, THEKOOT HOUSE, NADATHARA P.O,
MINOR ROAD, NADATHARA VILLAGE,
THRISSUR DISTRICT

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER

RESPONDENTS/COMPLAINANT & DEFAC TO COMPLAINANT:

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1. STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE,
OLLUR POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
 2. SREEPRIYA, AGED 34 YEARS,
D/O.RAJAN, CHERNATTIL HOUSE, MINOR ROAD DESOM,
NADATHARA VILLAGE, THRISSUR TALUK 680005

R2 BY ADV. SRI.SEBY JOSEPH
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

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. 7852 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO.206/2015 OF
OLLUR POLICE STATION

ANNEXURE A2: CERTIFIED COPY OF FINAL REPORT DATED 17.03.2015

ANNEXURE A3: AFFIDAVIT DATED 05.12.2015 OF 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7852 of 2015

Dated this the 16th day of December, 2015

O R D E R

The petitioner herein is the accused in C.C No.1093/2015 of the Judicial First Class Magistrate Court III, Thrissur. 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 323, 324 and 498A on the complaint of one Sreepriya 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, and that she has joined her husband in matrimony. 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.1093/2015 of the Judicial First Class Magistrate Court III, Thrissur 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**

//True Copy//

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P.A to Judge