

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. 7856 of 2015

IN C.C 2833/2015 of JUDICIAL FIRST CLASS MAGISTRATE
COURT V, KOCHI
CRIME NO. 581/2013 OF FORT KOCHI POLICE STATION ,
ERNAKULAM

PETITIONER/ACCUSED:

ANU GEORGE JACOB, AGED 41 YEARS,
S/O.JACOB, CC-1/290, SANKARAMANGALATH,
LILLY STREET, FORT KOCHI.

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENTS/COMPLAINANT:

1. RANI GEORGE JACOB @ RANI RACHEL RAJAN,
AGED 37 YEARS,
W/O.ANU GEROGE JACOB, CC-1/290,
SANKARAMANGALATH,
LILLY STREET, FORT KOCHI - 682 002.
2. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
FORT KOCHI POLICE STATION,
THOROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN-682 030.

R1 BY ADV. SMT.P.A.PRIYA

R2 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. 7856 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A. A CERTIFIED COPY OF THE FIR NO.581/2013 DATED
15/6/2013 FORT COCHIN, POLICE STATION.

ANNEXURE-B. CERTIFIED COPY OF THE REPORT IN CC
NO.2833/2015 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGINSTRATE COURT-V, KOCHI DATED 23/4/2012.

ANNEXURE-C. COPY OF THE AFFIDAVIT DATED 9/12/2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7856 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.2833/2015 of the Judicial First Class Magistrate Court V, Kochi. 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), 312, 506(ii) and 342 of the Indian Penal Code on the complaint of one Rani George Jacob, who is the first 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 further 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.2833/2015 of the Judicial First Class Magistrate Court V, Kochi 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**

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//True Copy//