

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 7878 of 2015 ()

CC 201/2015 of CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD

PETITIONER/ACCUSED 1 TO 4:

1. KRISHNABHADHAN, S/O. SUBRAMANIAN
SREEBHADRA HOUSE, 8/523, Nr.JTS JUNCTION
KANAKAMALA POST, KODAKARA VILLAGE
CHALAKUDY TALUK, THRISSUR
2. SUBRAMANIAN, S/O. VEERABADHRAN
SREEBHADRA HOUSE, 8/523, Nr.JTS JUNCTION
KANAKAMALA POST, KODAKARA VILLAGE
CHALAKUDY TALUK, THRISSUR
3. GIRIJA, W/O. SUBRAMANIAN
SREEBHADRA HOUSE, 8/523, Nr.JTS JUNCTION
KANAKAMALA POST, KODAKARA VILLAGE
CHALAKUDY TALUK, THRISSUR
4. PRIYA, D/O. SUBRAMANIAN
SREEBHADRA HOUSE, 8/523, Nr.JTS JUNCTION
KANAKAMALA POST, KODAKARA VILLAGE
CHALAKUDY TALUK, THRISSUR

BY ADV. SRI.LINDONS C.DAVIS

RESPONDENTS/DE FACTO COMPLAINANT & STATE:

1. INDHULEKHA, D/O. LATE GOPALA KRISHNAN
18/259, LAKSHMI NIVAS, SHIRDHA
BEHIND CIVIL STATION, PALAKKAD - 678001
2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

R1 BY ADV. SMT.E.U.DHANYA

R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C.NO. 7878/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A CERTIFIED COPY OF FINAL REPORT TAKEN AS C.C.NO.201/2015 IN
THE COURT OF HONOURABLE CHIEF JUDICIAL MAGISTRATE,
PALAKKAD**

ANNEXURE B AFFIDAVIT FILED BY THE 1ST RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7878 of 2015

Dated this the 17th day of December, 2015

O R D E R

The petitioners herein are the four accused in C.C. No.201/2015 of the Chief Judicial Magistrate Court, Palakkad. 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 341, 323 and 498-A read with 34 IPC, on the complaint of one Indulekha, who is the 1st 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. It is submitted from both sides that the victim 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.201/2015 of the Chief Judicial Magistrate Court, Palakkad 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

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// True Copy //

P.A. to Judge