

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

Cr1.M.C.No. 7891 of 2015

IN C.C 3188/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT - I, NORTH PARAVUR

PETITIONERS/PETITIONERS:

1. SUBIN, AGED 31 YEARS,
S/O.DASAN, ANDEZHUTH HOUSE, CHERKARA DESOM,
THALIKKULAM P.O, NATTIKA VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, NOW RESIDING AT NEW 558
AMBEDKAR STREET, ARR LEELA ENCLAVE, S2 FLOOR,
KOVILANPAMKOM, NANMANGALAM, CHENNAI 600 117.
2. DASAN, AGED 68 YEARS,
ANDEZHUTH HOUSE, CHERKARA DESOM, THALIKKULAM P.O,
NATTIKA VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT,
NOW RESIDING AT NEW 558, AMBEDKAR STREET,
ARR LEELA ENCLAVE, S2 FLOOR, KOVILANPAMKOM,
NANMANGALAM, CHENNAI 600 117.
3. SANTHA, AGED 64 YEARS,
W/O.DASAN, ANDEZHUTH HOUSE, CHERKARA DESOM,
THALIKKULAM P.O, NATTIKA VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, NOW RESIDING AT NEW 558,
AMBEDKAR STREET, ARR LEELA ENCLAVE, S2 FLOOR,
KOVILANPAMKOM, NANMANGALAM, CHENNAI 600 117.
4. SMITHA SANJAY, AGED 39 YEARS,
D/O.DASAN, ANDEZHUTH HOUSE, CHERKARA DESOM,
THALIKKULAM P.O, NATTIKA VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, NOW RESIDING AT JALAJYOTHI
VIGNESH
APARTMENT NO.28, NALWAR STREET, EAST THAMBARAM E1,
1ST FLOOR, TAMIL NADU.

BY ADVS.SRI.C.A.CHACKO

SMT.C.M.CHARISMA

SMT.MEGHA K.XAVIER

RESPONDENTS/RESPONDENT:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. GAYATHRI, AGED 27 YEARS, D/O.VENUGOPALAN,
CHANDRASSERIL HOUSE, VAVAKKAD DESOM,
PARAVUR TALUK,
MOOTHAKUNNAM P.O, ERNAKULAM DISTRICT.

R2 BY ADV. SRI.BENNY VARGHESE (THETTAYIL)
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

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

Cr1.MC.No. 7891 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1- CERTIFIED COPY FO M.P.NO.1308/14 FILED BY
2ND RESPONDENT

ANEXURE A2- AFFIDAVIT DATED 28.10.2015 OF 2ND RSPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7891 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioners herein are the four accused C.C No.3188/2014 of the Judicial First Class Magistrate Court I, North Paravur. 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 406 and 498A of the Indian Penal Code on the complaint of one Gayathri, 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 the parties have parted ways in terms of the settlement arrived at. It is submitted that the claims 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 petitioners herein in C.C No.3188/2014 of the Judicial First Class Magistrate Court I, North Paravur 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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