

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Crl.MC.No. 7947 of 2015 ()

**CC 1027/2014 of JUDICIAL FIRST CLASS MAGISTRATE CORUT-I,THRISSUR
CRIME NO. 1829/2013 OF CHERPU POLICE STATION, TRISSUR DISTRICT**

PETITIONERS/ACCUSED:

1. SAJU, S/O. SURYADEVAN, PANIKASSERY HOUSE
PRERUMBILLISSERY, CHEVOOR VILAGE, THRISSUR DISTRICT.
2. SURYADEVAN, S/O. KUNJITHI, PANIKASSERY HOUSE
PRERUMBILLISSERY, CHEVOOR VILLAGE, THRISSUR DISTRICT.
3. SEETHA, W/O. SURYADEVAN, PANIKASSERY HOUSE
PRERUMBILLISSERY, CHEVOOR VILLAGE, THRISSUR DISTRICT.
4. SIMI, W/O. SANIL, THANDASSERY HOUSE, PADIYAM
MUTTICHOOR, THRISSUR DISTRICT.

BY ADV. SRI.MAHESH V.MENON

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

1. THE STATION HOUSE OFFICER
CHERPU POLICE STATION
THRISSUR DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. VINI, D/O. VISWAMBARAN, AYINIPULLY HUSE, MANTHALA
CHAVAKKAD, THRISSUR DISTRICT-680506.

R2 BY ADV. SRI.P.K.NIJOY

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- A1 - CERTIFIED COPY OF FIR IN CRIME NO. 1829/13 OF CHERPU POLICE STATION**
- A2 - CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO. 1829/2013 OF CHERPU POLICE STATION**
- A3 - TRUE COPY OF AGREEMENT ENTERED BETWEEN THE 1ST PETITIONER AND THE 2ND RESPONDENT**
- A4 - AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT**
- A5 - TRUE COPY OF OP NO. 1888/2015 BEFORE THE FAMILY COURT, THRISSUR**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7947 of 2015

Dated this the 21st day of December, 2015

O R D E R

The petitioners herein are the accused in C.C. No.1027/2014 of the Judicial First Class Magistrate Court-I, Thrissur. 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, 423, 498-A and 34 IPC, on the complaint of one Vini, who is the 2nd 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, and the parties have already filed an application for divorce under Section 13B of the Hindu Marriage Act. The claimant also stands settled. 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.1027/2014 of the Judicial First Class Magistrate Court-I, Thrissur 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

sd

// True Copy //

P.A. to Judge