

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Cr1.MC.No. 7966 of 2015

IN C.C 1575/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHALAKUDY
CRIME NO. 72/2015 OF CHALAKKUDY POLICE STATION, TRISSUR

PETITIONERS/ACCUSED NOS.1 TO 4:

1. ARUN, AGED 35 YEARS,
S/O.CLETUS, PALLIYIL HOUSE, KUTTIKKADU DESOM,
PARIYARAM VILLAGE, THRISSUR DISTRICT.
2. CLETUS, AGED 62 YEARS,
S/O.CHAKKU @ CHEEKU, PALLIYIL HOUSE,
KUTTIKKADU DESOM,
PARIYARAM VILLAGE, THRISSUR DISTRICT.
3. MARY, AGED 52 YEARS,
W/O.CLETUS, PALLIYIL HOUSE, KUTTIKKADU DESOM,
PARIYARAM VILLAGE, THRISSUR DISTRICT.
4. FR.ANEESH, AGED 33 YEARS,
S/O.CLETUS, PALLIYIL HOUSE, KUTTIKKADU DESOM,
PARIYARAM VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.
2. NIMISHA, AGED 30 YEARS,
D/O.THOMAS, KALLARACKAL HOUSE, THIRUTHIPPURAM DESOM,
CHENNAMANGALAM VILLAGE, PARAVUR TALUK
ERNAKULAM DISTRICT-683 512.

R2 BY ADV. SRI.BABU JOSE

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7966 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A. PHOTOCOPY OF THE FINAL REPORT IN CC 1575/2015 ON
THE FILE OF THE JFCMC, CHALAKKUDY.

ANNEXURE-B. ORIGINAL AFFIDAVIT SWORN BY THE 2ND RESPONDENT
BEFORE HER ADVOCATE DATED 19/12/2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7966 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1575/2015 of the Judicial First Class Magistrate Court, Chalakkudy. 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 498(A) of the Indian Penal Code on the complaint of one Nimisha 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. It is submitted that the parties have parted ways in terms of the settlement and they have already filed a joint application for divorce under Section 13B of the Hindu Marriage Act. 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.1575/2015 of the Judicial First Class Magistrate Court, Chalakkudy 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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