

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

CrI.MC.No. 7985 of 2015 ()

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CC 3614/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THRISSUR
CRIME NO. 1198/2012 OF ANTHIKAD POLICE STATION, THRISSUR DISTRICT
=====**

PETITIONERS/ACCUSED 1 AND 2:

- 1. ANEESH, AGED 28 YEARS, S/O. SAJEEVDAS
CHIRAYIMMAL HOUSE, PERINGOTTUKARA
KIZHAKUMURI VILLAGE, THRISSUR DISTRICT**
- 2. SHYLA, W/O.SAJEEVDAS, AGED 53 YEARS
CHIRAYIMMAL HOUSE, PERINGOTTUKARA
KIZHAKUMURI VILLAGE, THRISSUR DISTRICT**

BY ADV. SRI.MAHESH V.MENON

RESPONDENTS/COMPLAINANT AND STATE:

- 1. THE STATION HOUSE OFFICER, ANTHIKKAD
POLICE STATION, THRISSUR DISTRICT
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. NEETHU, D/O. MANOJ, AGED 21 YEARS
PANAMTHARA HOUSE, PERINGOTTUKARA P.O.
THRISSUR DISTRICT**

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 22-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.7985/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 CERTIFIED COPY OF FIR IN CRIME NO.1198/2012 OF
ANTHIKKAD POLICE STATION**

**ANNEXURE A2 CERTIFIED COPY OF THE CHARGE SHEET IN CRIME
NO.1198/2013 OF ANTHIKKAD POLICE STATION**

ANNEXURE A3 AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7985 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioners herein are the two accused in C.C.No.3614/2012 of the Judicial First Class Magistrate Court-II, 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 Section 498-A IPC, on the complaint of one Neethu, 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. It is submitted that the parties have parted ways in terms of settlement, and that the claims also stand 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.3614/2012 of the Judicial First Class Magistrate Court-II, 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