

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. 7995 of 2015 ()

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CC 1451/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL
CRIME NO.1079/2015 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED IN CRIME NO.1079/2015:

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- 1. ABHILASH, AGED 30 YEARS
S/O.RAVEENDRAN, LATHA BHAVAN, CHERUKKARA POIKA
VELLALLOOR, THIRUVANANTHAPURAM.**
 - 2. PUSHPALATHA, AGED 55 YEARS
W/O.RAVEENDRAN, LATHA BHAVAN, CHERUKKARA POIKA
VELLALLOOR, THIRUVANANTHAPURAM.**

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS/STATE AND COMPLAINANT:

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- 1. THE STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE
ATTINGAL POLICE STATION
THIRUVANANTHAPURAM DISTRICT.**
 - 2. DHANYA, AGED 26 YEARS, D/O.DHARMASEELAN
DHANYA BHAVAN, RALOORKAVU, NAGARROOR(PO)
KILIMANNOOR, THIRUVANANTHAPURAM DISTRICT.**

**R2 BY ADV. SMT.C.B.BHAGYALEKSHMY
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:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE 1- THE TRUE COPY OF THE FIRST INFORMATION REPORT NO.1079/2015
DATED 02.06.2015.**

ANNEXURE 2- THE CERTIFIED COPY OF THE FINAL REPORT DATED 25.07.2015.

**ANNEXURE 3- THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED
09.12.2015.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7995 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.1451/2015 of the Judicial First Class Magistrate Court-I, Attingal. 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 34 and 498-A IPC, on the complaint of one Dhanya, 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 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.1451/2015 of the Judicial First Class Magistrate Court-I, Attingal 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