

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Crl.MC.No. 8044 of 2015 ()

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CC 2163/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ETTUMANUR
CRIME NO. 846/2014 OF GANDHINAGAR POLICE STATION, KOTTAYAM DISTRICT
=====**

PETITIONERS/ACCUSED 1-3:

- 1. P.G.RINEESH, S/O. GOPINATHAN
RESIDING AT CHANDRS NILAYAM, MANALI
VIZHIJAM, VENGANOOR P.O.,
THIRUVANANTHAPURAM DISTRICT - 695523**
- 2. KRISHNAN GOPINATHAN @ GOPINATHAN
RESIDING AT CHANDRS NILAYAM, MANALI
VIZHIJAM, VENGANOOR P.O.,
THIRUVANANTHAPURAM DISTRICT - 695523**
- 3. P.D. PUSHPAVALLI, AGED 6 YEARS, W/O. GOPINATHAN
RESIDING AT CHANDRS NILAYAM, MANALI
VIZHIJAM, VENGANOOR P.O.,
THIRUVANANTHAPURAM DISTRICT - 695523**

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENTS/STATE AND DEFACTO COMPLAINANT/INJURED:

- 1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
- 2. DIVYA S. VIJAYAKUMAR, AGED 33 YEARS
D/O. VIJAYAKUMAR, RESIDING AT
SREEKRISHNA NILAYAM, MALLOOSSERY P.O.
KUDAMALLOOR, KOTTAYAM DISTRICT - 686041**

R2 BY ADV. SRI.RAVI KRISHNAN

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO.8044/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE 1 CERTIFIED COPY OF CHARGE INC.C.NO. 2163/2014 OF JFCM,
EATTUMANOOR**

ANNEXURE 2 AFFIDAVIT OF 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.8044 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners herein are the three accused in C.C.No.2163/2014 of the Judicial First Class Magistrate Court, Ettumanoor. 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 read with Sections 3,4 and 6 of the Dowry Prohibition Act, on the complaint of one Divya S. Vijayakumar, 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 that the parties have parted ways in terms of the settlement. She has already filed an original petition for divorce in terms of settlement, and 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.2163/2014 of the Judicial First Class Magistrate Court, Ettumanoor 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