

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. 8045 of 2015 ()

CC 2545/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,THRISSUR

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PETITIONERS/ACCUSED 1 TO 3:

- 1. RAGHUNATH @ MAHESH, S/O. SUKUMARAN
MENOTH PARAMBIL HOUSE
VELUTHUR, THRISSUR DISTRICT**
- 2. SUKUMARAN, S/O. KAUPPAN
MENOTH PARAMBIL HOUSE
VELUTHUR, THRISSUR DISTRICT**
- 3. MAHESWARY, W/O. SUKUMARAN
MENOTH PARMABIL HOUSE
VELATHUR, THRISSUR DISTRICT**

**BY ADVS.SRI.LINDONS C.DAVIS
SMT.R.K.ASHA**

RESPONDENTS/DE FACTO COMPLAINANT & STATE:

- 1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM**
- 2. SIMI, W/O. RAGHUNATH, MENOTH PARAMBIL HOUSE
CHIYARAM P.O., THRISSUR DISTRICT**

**R2 BY ADV. SMT.E.U.DHANYA
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**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. 8045/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A CERTIFIED COPY OF FINAL REPORT TAKEN AS C.C.NO.2545/2015 IN
THE COURT OF HONOURABLE JUDICIAL 1ST CLASS MAGISTATE-II,
THRISSUR**

ANNEXURE B AFFIDAVIT FILED BY THE 2ND RESPONDENT

**ANNEXURE C COPY OF THE MEDICATION AGREEMENT WITH THE PETITIONER AND
2ND RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.8045 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.2545/2015 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 Sections 294(b), 406, 498-A, 506(i) and 34 IPC , on the complaint of one Simi, 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 arrived at, 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.2545/2015 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