

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Cr1.MC.No. 8079 of 2015

C.C.NO.265/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
PIRAVOM, ERNAKULAM

PETITIONER(S)/ACCUSED :-

1. ANAS, AGED 41 YEARS,
S/O.ABDUL RAHMAN,
THEKKERAMANEZHATHU VEETIL,
PATTUKULANGARA KARA,
KUTHIYATHODU VILLAGE, ALAPPUZHA.
2. HABEESA BEEVI, AGED 59 YEARS,
W/O.ABDUL RAHMAN,
THEKKERAMANEZHATHU VEETIL,
PATTUKULANGARA KARA,
KUTHIYATHODU VILLAGE, ALAPPUZHA.
3. ABDUL RAHMAN, AGED 68 YEARS,
S/O.ALIKUNJU,
THEKKERAMANEZHATHU VEETIL,
PATTUKULANGARA KARA,
KUTHIYATHODU VILLAGE, ALAPPUZHA.

BY ADV. SRI.K.P.SURAJ

RESPONDENT(S)/DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KEALA,
ERNAKULAM - 682 031.
2. SHIJI, AGED 36 YEARS,
D/O.ABDUL KHADER,
CHERUTHOTTIL VEEDU, AMABALLOOR,
ERNAKULAM - 682 028.

R2 BY ADV. SRI.V.A.NAVAS

R1 BY SRI.GITHESH R., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Cr1.MC.No. 8079 of 2015

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1 : CERTIFIED COPY OF FIR NO.33 OF 2011 OF
MULANTHURUTHY POLICE STATION.

ANNEXURE A2 : CERTIFIED COPY OF CHARGE SHEET C.C.265 OF
2015 BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, PIRAVOM.

ANNEUXRE A3 : TRUE COPY OF MEDIATION REPORT.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.8079 of 2015
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Dated this the 29th day of December, 2015

ORDER

The petitioners herein are the three accused in C.C.No.265 of 2015 of the Judicial First Class Magistrate Court, Piravom, Ernakulam. 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) read with Section 34 of the Indian Penal Code on the complaint of one Shiji, 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.

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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the disputes have been resolved in mediation, and the parties have parted ways in terms of settlement. The claims of the victim also stand settled adequately. 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.265 of 2015 of the Judicial First Class Magistrate Court, Piravom, Ernakulam 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

rkj

//TRUE COPY//

P.A. TO JUDGE