

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Cr1.MC.No. 7193 of 2014

CRIME NO. 857/2013 OF PUNALUR POLICE STATION , KOLLAM
C.C NO.2381/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT III, PUNALUR

PETITIONERS/ACCUSED NOS. 1 TO 4:

1. VINOD, AGED 35 YEARS,
S/O.CHANDRASEKHARAN ACHARI, VIJI BHAVAN, POREEKKAL,
MANIYAR P.O., KARAVALLLOOR, PUNALUR,
KOLLAM DISTRICT.
2. CHANDRASEKHARAN ACHARI, AGED 61 YEARS,
VIJI BHAVAN, POREEKKAL, MANIYAR P.O,
KARAVALLLOOR, PUNALUR, KOLLAM DISTRICT.
3. RADHAMONEY, AGED 52 YEARS,
VIJI BHAVAN, POREEKKAL, MANIYAR P.O,
KARAVALLLOOR, PUNALUR, KOLLAM DISTRICT.
4. VIJI, AGED 31 YEARS,
VIJI BHAVAN, POREEKKAL, MANIYAR P.O,
KARAVALLLOOR, PUNALUR, KOLLAM DISTRICT.

BY ADVS.SRI.MANOJ RAMASWAMY
SMT.V.SREEJA
SRI.M.SETHUMOHAN

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. ATHMA GIJI, AGED 30 YEARS,
D/O.SUBHASHINI, PRATHAP BHAVAN, ANAPETTAKONGAL,
EDAMON P.O, NOW RESIDING AT SURESH BHAVANAM,
MANIYAR P.O., PUNALUR, KOLLAM DISTRICT.

R2 BY ADV. SRI.K.T.THOMAS (KANNAMPALLIL)
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7193 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: TRUE COPY OF THE F.I.R NO.857/2013 OF PUNALUR
POLICE STATION DATED 9.5.2013

ANNEXURE-A2: TRUE COPY OF THE AFFIDAVIT BY THE 2ND RESPONDENT

ANNEXURES A3: COPY OF THE FINAL REPORT DATED 9.5.2013

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7193 of 2014

Dated this the 25th day of November, 2015

O R D E R

The petitioners herein are the four accused in C.C No.2381/2013 of the Judicial First Class Magistrate Court III, Punalur. 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 120(A), 498(A) and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Athma Giji who is the second 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 the prosecution 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the victim had already received all her claims from her husband. It is submitted that the marriage also stands now dissolved. 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.2381/2013 of the Judicial First Class Magistrate Court III, Punalur 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**

ab