

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 755 of 2015

IN CC 1477/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
NEDUMANGAD
CRIME NO. 638/2012 OF VATTAPPARA POLICE STATION,
THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 AND 2:

1. BINUKUMAR, AGED 38 YEARS,
S/O.MADHAVAN NAIR, AJITH VIHAR,
VETTINADU MURIYIL,
VEMBAYAM VILLAGE, VATTAPPARA P.O.,
THIRUVANANTHAPURAM.
2. RADHADEVI, AGED 59 YEARS,
AJITH VIHAR, VETTINADU MURIYIL,
VEMBAYAM VILLAGE,
VATTAPPARA P.O.,
THIRUVANANTHAPURAM.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SREENA S.KALA, AGED 28 YEARS,
W/O.BINU KUMAR, AJITH VIHAR,
VATTAPPARA P.O,
VEMBAYAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT
PIN 695028.

R1 BY PUBLIC PROSECUTOR SRI.K.SAIDALAVI
R2 BY SRI.MANSOOR.B.H.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 755 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: CERTIFIED COPY OF THE FINAL REPORT IN
C.C.NO.1477/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
NEDUMANGADU.

ANNEXURE-II: COPY OF AFFIDAVIT SHOWN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.755 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1477/2013 of the Judicial First Class Magistrate Court I, Nedumangadu. 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 498(A) and 323 r/w 34 of the Indian Penal Code on the complaint of one Sreena S.Kala 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 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, and I am satisfied that the parties are now on quite cordial terms. 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.1477/2013 of the Judicial First Class Magistrate Court I, Nedumangadu 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.

**P.UBAID
JUDGE**

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