

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.2526 of 2015

**CC NO.1586/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
VADAKKANCHERRY.
CRIME NO.334/2013 OF ERUMAPETTY POLICE STATION,TRISSUR...**

PETITIONER'S/ACCUSED:

- 1. PRASAD V.K,S/O.KUMARAN,AGED 32 YEARS,
POOVAMPARAMBIL HOUSE,P.O.VELLARAKAD,PIN-680 584.**
- 2. PRAMOD V.K,S/O.KUMARAN,AGED 26 YEARS,
POOVAMPARAMBIL HOUSE,P.O.VELLARAKAD,PIN-680 584.**
- 3. PRADEEP V.K,S/O.KUMARAN,POOVAMPARAMBIL HOUSE, P.O.
VELLARAKAD,PIN-680 584.**
- 4. ATHIRA,S/O.MOHANAN,AGED 20 YEARS,
KADAGATHU HOUSE,PONNUR,PARAPUR VILLAGE,
EDAKALATHUR VILLAGE,TRICHUR TALUK,TRICHUR.**
- 5. KUMARAN,S/O KRISHNANKUTTY,AGED 59 YEARS,
POOVAMPARAMBIL HOUSE,P.O.,VELLARAKAD,PIN-680 584.**
- 6. SHOBHANA,W/O KUMARAN,AGED 53 YEARS,
POOVAMPARAMBIL HOUSE,P.O.VELLARAKAD,PIN-680 584.**
- 7. SUMESH,AGED 32 YEARS,S/O SOMAN,PAIRAMARATH HOUSE ,
ELTHURUTH,ARANATTUKARA,TRICHUR.**
- 8. RIJOY,AGED 31 YEARS,S/O.JOHNYY,ARIMBURPARAMBIL HOUSE,
ELTHURUTH,ARANANATUKARA**

BY ADV.SRI.VINAY RAMDAS

RESPONDENT'S/STATE AND DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,REPRESENTED BY SUB INSPECTOR OF POLICE,
ERUMAPETTY POLICE STATION,THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SOUMYA,AGED 25 YEARS.D/O. SOMAN,VADAKARA HOUSE,
RESIDING AT OLARI SITHARAM QUARTERS,PULLAZHY P.O
PULLAZHY VILLAGE,TRICHUR TALUK,TRICHUR DISTRICT-680 012**

R1 BY PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN

R2 BY ADV.SRI.C.A.ANOOP

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

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:THE CERTIFIED COPY OF THE FINAL REPORT FILED AGAINST
PETITIONER 1 TO 6.**

**ANNEXURE A2:THE CERTIFIED COPY OF THE FINAL REPORT FILED AGAINST
PETITIONER 7 AND 8.**

ANNEXURE A3:THE CERTIFIED COPY OF THE FIRSAT INFORMATION REPOPT.

**ANNEXURE A4:A COPY OF THE AGREEMENT ENTERED BETWEEN THE 1ST
PETITIONER AND THE 2ND RESPONDENT AT MEDIATION.**

ANNEXURE A5:AFFIDAVIT OF THE 2ND RESPONDENT / DEFACTO COMPLAINANT

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P. UBAID, J.

Crl.M.C.No.2526 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioners herein are the accused in C.C.1586/2014 of the Judicial First Class Magistrate Court, Wadakkanchery. 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 323, 354, 498(A), 506(1) and 294(b) read with 149 IPC on the complaint of one Soumya, 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 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.1586/2014 of the Judicial First Class Magistrate Court, Wadakkanchery 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

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