

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

CrI.MC.No.2752 of 2015

**CRIME NO.684/2012 OF OCHIRA POLICE STATION,KOLLAM.
C.C.NO.2778/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,KOLLAM.**

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PETITIONER'S/ACCUSED:

- 1. RAJEEVAN,S/O.RAJU,AGED 37 YEARS,
MOOKKATHUTHARAYIL,ALUMPEEDIKA,
CLAPPANA VILLAGE,KARUNAGAPPALLY,
KOLLAM DISTRICT.**
- 2. JAGADAMMA,D/O.KARTHIYANI,AGED 58 YEARS,
MOOKKATHUTHARAYIL,ALUMPEEDIKA,
CLAPPANA VILLAGE,KARUNAGAPPALLY,
KOLLAM DISTRICT.**
- 3. AMBILI,D/O.JAGADAMMA,AGED 32 YEARS,
MURINGAMOOTTIL,ALUMPEEDIKA,CLAPPANA VILLAGE,
KARUNAGAPPALLY,KOLLAM DISTRICT.**
- 4. RAJENDRAN,S/O.DIVAKARAN,AGED 41 YEARS,
MURINGAMOOTTIL,ALUMPEEDIKA,CLAPPANA VILLAGE,
KARUNAGAPPALLY,KOLLAM DISTRICT**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT'S/COMPLAINANT & STATE:

- 1. STATE OF KERALA THROUGH THE SUB INSPECTOR OF POLICE,
OACHIRA POLICE STATION,REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM-682031.**
- 2. ARCHANA,D/O.SARASWATHY,AGED 30 YEARS,
PANAYAKKAL VADAKKATHIL,NJAKKANAL,
KRISHNAPURAM VILLAGE,KARTHIKAPPILLY TALUK,
KOLLAM DISTRICT-691361.**

**R1 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR.
R2 BY ADV.SRI.N.ANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

CrI.MC.No.2752 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE 1: THE COPY OF PRIVATE COMPLAINT IN C.M.P NO.5083/2012 ON
THE FILE OF JFMC,KARUNAGAPPALLY.**

ANNEXURE 2:THE FIR IN CRIME NO 684/2012 OF OACHIRA POLICE STATION.

**ANNEXURE 3:THE COPY OF FINAL REPORT IN CRIME NO.684/2012 OF OACHIRA
POLICE STATION.**

**ANNEXURE 4:THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE-FACTO
COMPLAINANT REGARDING COMPROMISE DATED 15-01-2015.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.
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**Crl.M.C No.2752 of 2015**  
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Dated this the 15th day of May, 2015

ORDER

The petitioners herein are the four accused in C.C No.2778 of 2012 of the Judicial First Class Magistrate Court, Karunagappally. 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, 498A, 294(b) and Section 34 of Indian Penal Code on the complaint of one Archana, 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/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.2778 of 2012 of the Judicial First Class Magistrate Court, Karunagappally 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**

vdv