

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

Crl.MC.No.2844 of 2015

**CC NO.154/2011 OF THE CHIEF JUDICIAL MAGISTRATE COURT,PALAKKAD.
CRIME NO.203/2010 OF PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT.**

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PETITIONER'S/ACCUSED NOS.1 TO 3:

1. **RADHAKRISHNAN PILLAI,AGED 48 YEARS,
S/O.LATE CHELLAPPAN PILLAI,
KATTIL THAZHATHUVANA,THEKKUMURI,
CHENNITHALA,MAVELIKKARA,ALAPPUZHA.**
2. **RADHA S.PILLAI,AGED 55 YEARS,
W/O.SOMASEKHARAN PILLAI,
KOOTTOOR KAYYALAKKAKAM,
THENDALI P.O.,THIRUVALLA,PATHANAMTHITTA.**
3. **C.RAJESHWARIAMMA,AGED 62 YEARS,
D/O.LATE CHELLAPPAN PILLAI,
SREENKARAKULATHINTE PADEETHATTIL VEEDU,
THAVALAM,MANNARKKAD,PALAKKAD.**

BY ADV.SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

1. **C.BINDUMOL,AGED 37 YEARS,D/O.LATE KRISHNANUNNI,
CHERUMPATTA HOUSE,VENNAKKARA,
NURANI,PALAKKAD - 678 004.**
2. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682 031.**

R1 BY ADV.SRI.P.M.RAFIQ

R2 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR

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

Crl.MC.No.2844 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A:TRUE COPY OF THE FINAL REPORT IN CRIME NO.203/2010 OF
PALAKKAD TOWN SOUTH POLICE STATION IN PALAKKAD
DISTRICT IN C.C.NO.154/2011 ON THE FILE OF THE COURT OF
CHIEF JUDICIAL MAGISTRATE, PALAKKAD.**

**ANNEXURE B:AFFIDAVIT SWORN BY THE IST RESPONDENT HEREIN
EVIDENCING THE AFORESAID SETTLEMENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.

Crl. M.C No. 2844 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioners herein are the three accused in C.C No.154 of 2011 of the Chief Judicial Magistrate, Palakkad. 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 498A r/w 34 of IPC on the complaint of one Bindumol who is the first 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 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, 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.154 of 2011 of the Chief Judicial Magistrate, Palakkad 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