

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Cr1.MC.No. 4327 of 2015

IN S.C 790/2013 DISTRICT COURT, ALAPPUZHA

CRIME NO. 349/2011 OF VALLIKUNNAM POLICE STATION, ALAPPUZHA

PETITIONERS/ACCUSED NO.1 & 2:

1. AKHIL KUMAR, AGED 24 YEARS,
S/O.OMANAKUTTAN, ASWATHY BHAVANAM, VALLIKUNNAM MURI,
VALLIKUNNAM VILLAGE, ALAPUZHA DISTRICT - 690 501.
2. ANEESH, AGED 23 YEARS,
S/O.AJAYAN PILLA, KAVINTE THEKKATHIL, VALLIKUNNAM MURI,
VALLIKUNNAM VILLAGE, ALAPUZHA DISTRICT - 690 501.

BY ADV. SRI.M.G.SREEJITH

RESPONDENTS/STATE/DEFACTO COMPLAINANT & PW2:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VALLIKUNNAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.
2. RADHAMANI, AGED 45 YEARS,
W/O.SUDHEVAN, PANIKKASSERIL VEETIL, KARAZHMA MURI,
VALLIKUNNAM VILLAGE, ALAPUZHA DISTRICT - 690 501.
3. SONY, AGED 21 YEARS,
W/O.AKHIL KUMAR, PANIKKASSERIL VEETIL, KARAZHMA MURI,
VALLIKUNNAM VILLAGE, ALAPUZHA DISTRICT - 690 501.

R2,3 BY ADV. SRI.ASHOK SURESH
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4327 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1. COPY OF THE FINAL REPORT IN S.C.NO.790/2013 IN THE
COURT OF DISTRICT COURT, ALAPPUZHA.

ANNEXURE A2. AFFIDAVIT DATED 27.01.2015 FILED BY 2ND RESPONDENT.

ANNEXURE A3. AFFIDAVIT DATED 27.01.2015 FILED BY 3RD RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4327 of 2015

Dated this the 13th day of July, 2015

O R D E R

The petitioners herein are the two accused in S.C No.790/2013 of the District Court, Alappuzha. 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 363 and 366 r/w 34 of the Indian Penal Code on the complaint of one Radhamani 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. The victim of offence in this case is the 3rd respondent in this proceeding. She has also filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. The affidavit also shows that she and the 1st petitioner are now living as husband

and wife with a child born in their happy matrimony. In such a situation continuance of prosecution will do harm and hardship to both the parties, and will also defile the happy matrimony.

3. 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C.No.790/2013 of the District Court, Alappuzha 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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