

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 4404 of 2015 ()

CP. NO.323/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD.
CR. NO. 240/2014 OF KUMBLA POLICE STATION.

PETITIONER/ACCUSED:

RIYAS. B.C @ BIYA, S/O.ABDULLA B.C.,
AGED 25 YEARS, ANGADIMUGAR, NEAR GHS,
ANGADIMUGAR VILLAGE, KASARAGOD.

BY ADV. SRI.T.G.RAJENDRAN.

RESPONDENT/COMPLAINANT/STATE:

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- 1. SHWETHA KUMARI P., D/O.VASANTHA,**
AGED 19 YEARS, ADARSH NAGAR, PERMUDE,
KUDALMERKALA, PAIVALIKE, MANJESHWAR TALUK,
KASARAGOD DISTRICT-671 323.
 - 2. VASANTHA, S/O.POOVA GOWDA,**
AGED 46 YEARS, ADARSH NAGAR, PERMUDE,
KUDALMERKALA, KASARAGOD DISTRICT-671 324.
 - 3. VARIJA, W/O.VASANTHA,**
AGED 40 YEARS, ADARSH NAGAR, PERMUDE,
MANJESHWAR TALUK, KASARAGOD-671 323.
 - 4. SUB INSPECTOR OF POLICE,**
KUMBLA POLICE STATION, KASARAGOD-671 321.
 - 5. STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 TO R3 BY ADV. SRI.CIBI THOMAS
R4 & R5 BY PUBLIC PROSECUTOR SMT.S. HYMA.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE I : TRUE COPY OF THE FINAL REPORT.

**ANNEXURE II : TRUE COPY OF THE AFFIDAVITS SWORN IN BY THE
RESPONDENT NO.1.**

**ANNEXURE III : TRUE COPY OF THE AFFIDAVITS SWORN IN BY THE
RESPONDENT NO.2.**

**ANNEXURE IV : TRUE COPY OF THE AFFIDAVITS SWORN IN BY THE
RESPONDENT NO.3.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.UBAID, J.

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Crl.M.C.No.4404 of 2015
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Dated this the 19th day of August, 2015

ORDER

The petitioner herein is the accused in C.P.No.323 of 2014 of the Judicial First Class Magistrate Court-I, Kasaragod. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 506(i), 509, 354 and 354-D of the Indian Penal Code and under Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act on the complaint of one Shwetha Kumari P., who is the 1st 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. The other victims of offence are the respondent Nos. 2 and 3 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 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.

3. The complainant appeared before me as directed from the Court, and submitted that she has settled the case in her best interest, and that she has no grievance or complaint. She submitted that she made a complaint, when she fell some nuisance, and on interacting with her, I find that there is nothing to attract the provisions of the SC/ST Act in this case. The victim has come to settlement quite voluntarily, and she apprehends that continuance of the proceeding will affect her future and studies. Her mother also appeared in Court, and submitted that the whole dispute stands settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the

petitioner herein in C.P.No.323 of 2014 of the Judicial First Class Magistrate Court-I, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE