

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Cr1.MC.No. 4581 of 2015

IN CC 11/2007 of J.M.F.C.-I, CHENGANNUR

CRIME NO. 508/1999 OF CHENGANNOOR POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED A2:

ANU C SENAN, AGED 40 YEARS,
S/O.CHARNDRA SENAN, KOTTAPARAMBIL VEEDU,
PENNUKKARA VADAKKUM MURI, ALA VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT

BY ADV. SRI.AJITH MURALI

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031
2. VASANTHI, AGED 56 YEARS,
W/O.VJAYASING, KOTTAPARAMBIL VEEDU,
PENNUKKARA VADAKKUM MURI, ALA VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT - 689 121
3. REJI THOMAS, AGED 37 YEARS, S/O.BABU,
PAZHUKKA MODIYIL THEKETHIL VEEDU,
PENNUKKARA VADAKKUM MURI, ALA VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT - 689 121
4. SUBI, AGED 38 YEARS,
S/O.RAJAN, SUNI NIVAS, PERINGALA MURI,
PERIGALA VILLAGE, KAYAMKULAM,
ALAPPUZHA DISTRICT - 688 001

R2 & 3 BY ADV. SRI.P.V.DILEEP
R1 BY PUBLIC PROSECUTOR SMT.V.H JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4581 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A:- CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO
508/1999 OF CHENGANNUR POLICE STATION

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.4581 of 2015

Dated this the 21st day of July, 2015

O R D E R

The petitioner herein is the 2nd accused in Crime No.508/1999 of the Chengannur Police Station. 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 323, 324, 354 and 427 r/w 34 of the Indian Penal Code on the complaint of one Vasanthi 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. The 1st accused stands already convicted by the trial court. The case against the petitioner herein was split up, and it is now pending as C.C No.11/2007 before the Judicial First Class Magistrate Court I, Chengannur.

2. The other victims of offence in this case are the 3rd and 4th respondents. 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.

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 further 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 petitioner herein in C.C No.11/2007 of the Judicial First Class Magistrate Court I, Chengannur 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.

**P.UBAID
JUDGE**

ab