

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4589 of 2015

CC 39/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR

CRIME NO. 516/2013 OF PAZHAYANGADI POLICE STATION , KANNUR

PETITIONERS/ACCUSED NO.1 & 2 :-

- 1. DINESHAN M.V., AGED 21 YEARS,
S/O.UNNI P.V., MADATHILE VEEDU, MANDUR,
CHERUTHAZHAM P.O., KANNUR DISTRICT.**
- 2. PRAJITH T.V., AGED 21 YEARS,
S/O.PREMARAJAN, THADATHILE VALAPPIL, PEROOL,
M.M.BAZAR P.O., KANNUR DISTRICT.**

BY ADV. SRI.ZUBAIR PULIKOOL

RESPONDENTS/COMPLAINANT :-

- 1. SANGEETHA LAKSHMAN, AGED 20 YEARS,
D/O.LAKSHMANAN, MADAPPALLY HOUSE,
PALAKKODE, VENGARA P.O.
KANNUR DISTRICT. PIN - 670 306.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

**R1 BY ADV. SRI.P.S.BINU
R2 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4589 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-I :- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.516/2013 OF
PAZHAYANGADI POLICE STATION.**

ANNEXURE-II :- THE ORIGINAL COPY OF THE AFFIDAVIT OF IST RESPONDENT

RESPONDENT(S)' ANNEXURES :- NIL

rkj

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4589 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the accused Nos.1 and 2 in C.C.No.39 of 2014 of the Judicial First Class Magistrate Court, Payyannur. 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 341, 354 and 509 read with Section 34 of the Indian Penal Code on the complaint of one Sangeetha Lakshman, 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.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.39 of 2014 of the Judicial First Class Magistrate Court, Payyannur 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

rkj

//TRUE COPY//

P.A. TO JUDGE