

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. 4613 of 2015

C.C.NO. 388/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM

CRIME NO. 1175/2011 OF ERAVIPURAM POLICE STATION , KOLLAM

PETITIONERS/ACCUSED :-

1. PRASANTH, AGED 34 YEARS,
S/O. KRISHNANKUTTY, K.R.NIVAS, MEENAMBALAM,
PUTHANKULAM P.O., PARIPPALLY, KOLLAM.
2. REMADEVI, AGED 58 YEARS,
D/O. JANAKI, K.R.NIVAS, MEENAMBALAM,
PUTHANKULAM P.O., PARIPPALLY, KOLLAM.
3. NISHANTH, AGED 39 YEARS,
S/O. KRISHNANKUTTY, K.R.NIVAS, MEENAMBALAM,
PUTHANKULAM P.O., PARIPPALLY, KOLLAM.
4. NISHAMOL, AGED 30 YEARS,
D/O. KANAKA, K.R.NIVAS, MEENAMBALAM,
PUTHANKULAM P.O., PARIPPALLY, KOLLAM.
5. SREEDEVI, AGED 55 YEARS,
D/O. JANAKI, K.R.NIVAS, MEENAMBALAM,
PUTHANKULAM P.O., PARIPPALLY, KOLLAM.
6. SMITHA, AGED 36 YEARS,
D/O. REMADEVI, LEKSHMI VILASOM, OTTOOR PANCHAYATH,
MANAVOOR CHERRY, OTTOOR VILLAGE.

**BY ADVS.SRI.SIJU KAMALASANAN
SMT.S.SEETHA**

RESPONDENTS/COMPLAINANT & STATE :-

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

- 2. ASHA B., AGED 23 YEARS,
D/O. ANITHA, KAVACHANAZHIKAM, MAYYANADU P.O.,
KOLLAM.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.A.MUHAMMED RAFFI**

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

Crl.MC.No. 4613 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE 1 :- THE COPY OF COMPLAINT IN CMP NO.5382/2011 ON THE FILE OF JFMC-II, KOLLAM.

ANNEXURE 2 :- TRUE COPY OF FIR IN CRIME NO. 1175/2011 OF ERAVIPURAM POLICE STATION.

ANNEXURE 3 :- TRUE COPY OF FINAL REPORT IN CRIME NO. 1175/2011 OF ERAVIPURAM POLICE STATION.

ANNEXURE 4 :- THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE-FACTO COMPLAINANT REGARDING COMPROMISE DATED 16-1-2014.

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4613 of 2015
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Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the six accused in C.C.No.388 of 2012 of the Judicial First Class Magistrate Court-II, Kollam. 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 498(A), 323 and 34 IPC on the complaint of one Asha B., 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. 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.388 of 2012 of the Judicial First Class Magistrate Court-II, Kollam 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

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//TRUE COPY//

P.A. TO JUDGE