

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4671 of 2015 ()

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AGAINST THE ORDER/JUDGMENT IN CC 1380/2014 of J.M.F.C-I, PALAKKAD
CRIME NO. 720/2014 OF KASABA POLICE STATION , PALAKKAD**

PETITIONER(S)/ACCUSED NOS.1 TO 4:

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- 1. SAJEESH, AGED 29 YEARS
SON OF LATE UNNIKRISHNAN, AYANAMPADAM, THEKKUMURI,
NENMARA, PALAKKAD.**
 - 2. LEELA PANICKATHY, AGED 58 YEARS,
WIFE OF LATE UNNIKRISHNAN, AYANAMPADAM, THEKKUMURI,
NENMARA, PALAKKAD.**
 - 3. SREEDEVI, AGED 35 YEARS,
WIFE OF GOPAN, MARUTHACHALAPADAM, KUMARADHAPURAM,
TIRUPPUR, TAMILNADU.**
 - 4. GOPAN, AGED 40 YEARS,
SON OF GOPALAKRISHNAN, MARUTHACHALAPADAM,
KUMARADHAPURAM, TIRUPPUR, TAMILNDADU.**

BY ADV. SRI.P.K.NIJOY

RESPONDENT(S)/STATE & COMPLAINANT:

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- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. PRIYANKA, AGED 22 YEARS,
WIFE OF SAJEESH, KALARIKKAL HOUSE, KOVILPALAYAM,
PUDUSSERY, PALAKKAD, 678 623.**

**R2 BY ADV. SRI.MAHESH V.MENON
R1 BY SRI.V.H.JASMINE, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

Crl.MC.No. 4671 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: CERTIFIED COPY OF FIR IN CRIME NO.720 OF 2014 DATED 18.6.2014.

**ANNEXURE-A2: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.720 OF 2014
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
PALAKKAD.**

**ANNEXURE-A3: TRUE COPY OF THE AFFIDAVIT DATED 20.07.2015 OF THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.4671 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 4 in C.C No.1380/2014 of the Judicial First Class Magistrate Court-I, Palakkad. 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 323 and 498A read with 34 IPC, on the complaint of one Priyanka, 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 petitioner/petitioners herein in C.C No.1380/2014 of the Judicial First Class Magistrate Court-I, Palakkad 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

TRUE COPY

P.A TO JUDGE

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