

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. 4692 of 2015

**AGAINST THE ORDER/JUDGMENT IN CC 84/2012 of J.M.F.C-II, KOLLAM
CRIME NO. 464/2009 OF SAKTHIKULANGARA POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED:

- 1. MIKKI LUKE, AGED 40 YEARS,
S/O. LUKE, VETTUTHOTTIL VEEDU, SAKTHIKULANGARA CHERRY,
SAKTIKULANGARA P.O., SAKTIKULANGARA VILLAGE,
KOLLAM - 691 581.**
- 2. XAVIOUR, AGED 38 YEARS,
S/O. LUKE, VETTUTHOTTIL VEEDU, SAKTHIKULANGARA CHERRY,
SAKTIKULANGARA P.O., SAKTIKULANGARA VILLAGE,
KOLLAM - 691 581.**
- 3. SISILI, AGED 36 YEARS,
W/O. XAVIOUR, VETTUTHOTTIL VEEDU, SAKTHIKULANGARA CHERRY,
SAKTIKULANGARA P.O., SAKTIKULANGARA VILLAGE,
KOLLAM - 691 581.**
- 4. PETER, AGED 51 YEARS,
S/O. LUKE, VETTUTHOTTIL VEEDU, SAKTHIKULANGARA CHERRY,
SAKTIKULANGARA P.O., SAKTIKULANGARA VILLAGE,
KOLLAM - 691 581.**
- 5. GETTI, AGED 81 YEARS,
W/O. LUKE, VETTUTHOTTIL VEEDU, SAKTHIKULANGARA CHERRY,
SAKTIKULANGARA P.O., SAKTIKULANGARA VILLAGE
KOLLAM - 691 581.**
- 6. IGNACIOUS, AGED 60 YEARS,
S/O. LUKE, VETTUTHOTTIL VEEDU, SAKTHIKULANGARA CHERRY,
SAKTIKULANGARA P.O., SAKTIKULANGARA VILLAGE
KOLLAM - 691 581.**

BY ADV. SRI. M.RAJESH

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
SAKTIKULANGARA POLICE STATION, KOLLAM - 691 581.**

**3. VIJI MIKKI, AGED 38 YEARS,
KARUNATTUTHOPPIL VEEDU, SAKTIKULANGARA CHERRY,
SAKTHIKULANGARA VILLAGE, SAKTHIKULANGARA P.O.,
KOLLAM DISTRICT - 691 581.**

**R1 BY PUBLIC PROSECUTOR SMT. V.H. JASMINI
R2 BY ADV. SRI.BLAZE K.JOSE**

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

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-1 : A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.
464/2009 OF SAKTIKULANGARA POLICE STATION, KOLLAM.**

**ANNEXURE-2: AFFIDAVIT DATED 25.3.2015 EXECUTED BY THE 3RD
RESPONDENT.**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

P.A TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.4692 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are the accused Nos. 1 to 6 in C.C No.84/2012 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 498A read with 34 IPC, on the complaint of one Viji Mikki, who is the 3rd 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 victim's affidavit shows that she has re-united with the husband, and that they are leading a very happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

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. 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.84/2012 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

TRUE COPY

P.A TO JUDGE

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