

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

Cri.MC.No. 4695 of 2015 ()

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AGAINST THE ORDER/JUDGMENT IN SC 437/2015 of ADDL.DISTRICT COURT,
THRISSUR**

CRIME NO. 794/2001 OF IRINJALAKUDA POLICE STATION , TRISSUR

PETITIONER(S)/1ST ACCUSED:

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SHIHAB, AGED 39 YEARS,
S/O. MUHAMMADALI, KARIPPAKKULAM HOUSE, CHERIYAPALAM,
KARUVANNUR, OORAKAM VILLAGE, THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT(S)/SATE & DEFACTO COMPLAINANT & VICTIM:

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- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. VIJAYANATHAN,
S/O. ITTAMAN, KATHANAPARAMBIL HOUSE, ETTUMUNA,
KARUVANNUR, THRISSUR - 680 711.**
 - 3. LAKSHMI, AGED 31 YEARS,
D/O. SUNITHRAM, KATHANAPARAMBIL HOUSE, ETTUMUNA,
KARUVANNUR, THRISSUR - 680 711.**

**R2 & R3 BY ADV. SRI.M.REVIKRISHNAN
R1 BY SMT.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

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A - TRUE COPY FO THE FIR IN CRIME NO. 794/01 IRINJALAKKUDA
POLICE STATION.**

**ANNEXURE B - CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 794/01
IRINJALAKKUDA POLICE STATION.**

ANNEXURE C - AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE D - AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

P.A TO JUDGE

P. UBAID, J.

Crl.M.C. No.4695 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioner herein is the 1st accused in S.C No.437/2015 of the 1st Additional Sessions Court, Thrissur. 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 511 of 376 and 366A read with 34 IPC, on the complaint of one Vijayanathan, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. The victim (3rd respondent) has filed affidavit that she is now the mother of two children, and that she is now leading a happy matrimony with her husband. In such a situation, continuance of this prosecution will cause problems in the family, and it may even defile the present matrimony. She has settled the dispute in the best interest of her family including children. In such a situation, it is appropriate that

the proceedings be closed. The case against the other accused already stands closed by this Court in Crl.M.C.No.3902/2015.

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 herein in S.C No.437/2015 of the 1st Additional Sessions Court, Thrissur 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.

Sd/-
P. UBAID, JUDGE

TRUE COPY

P.A TO JUDGE

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