

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4791 of 2015

**CC NO.449/2015 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM**

CRIME NO. 1291/2014 OF PETTA POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/A1 TO A4 :-

- 1. RAJESH, AGED 37 YEARS, S/O.SASI,
PERMANENTLY RESIDING AT T.C. 13/261,
KOLLOOR KOTTUVARAMBIL VEEDU,
KANNANMOOLA, PUTHENPALAM,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM,
PRESENTLY RESIDING AT T.C.12/948 (1),
LAKSHMI NIVAS HOUSE, KANNANMOOLA WARD,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.**
- 2. SANTHOSH @ CHANTHU, AGED 36 YEARS,
S/O.RAJU, T.C.13/778, KANNANMOOLA WARD,
PUTHENPALAM, VANCHIYOOR,
THIRUVANANTHAPURAM.**
- 3. BINU RAJ, AGED 38 YEARS,
S/O.THANKAPPAN, T.C.14/420,
KUNNUPURATHU VEEDU, CHENNILODE,
ANUMUGHAM WARD, KADAKAMPALLY VILLAGE,
THIRUVANANTHAPURAM.**
- 4. SAJU, AGED 37 YEARS,
S/O.RAJENDRAN, T.C.13/15, PUTHENPALAM,
KANNANMOOLA WARD,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE & CW1 :-

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PETTAH POLICE STATION, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
2. SANDHYA ARUN, AGED 26 YEARS,
D/O.SATHIKUMARI, T.C.13/1311,
VAYALNIKATHIYA VEEDU,
KANNANMOOLA WARD,
VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM, PIN - 695035.

R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.R.GOPAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4791 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO:1291/2014
OF PETTAH POLICE STATION.**

ANNEXURE B : NOTARIZED AFFIDAVIT OF 2ND RESPONDENT/CW1.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====

Crl.M.C.No.4791 of 2015

=====

Dated this the 29th day of July, 2015

ORDER

The petitioners herein are the four accused in C.C. No.449 of 2015 of the Additional Chief Judicial Magistrate Court, Thiruvananthapuram. 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 294(b), 506 (ii) and 34 of the Indian Penal Code on the complaint of one Sandhya Arun, 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further prosecution 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.449 of 2015 of the Additional Chief Judicial Magistrate Court, Thiruvananthapuram 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