

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4857 of 2015

**CC NO.267/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT
(TEMPORARY), ATTINGAL**

CRIME NO. 1040/2012 OF KALLAMBALAM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :-

**SANJITH, AGED 33 YEARS,
S/O.MANIKANTAN NAIR, RESIDING AT MANIKANTAVILASAM,
NEAR NAVAIKULAM TEMPLE, NAVAIKULAM, NAVAIKULAM VILLAGE,
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.S.JUSTUS
SRI.K.T.SEBASTIAN**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUDHAKUMARI, D/O.VIJAYAMMA, AGED 43 YEARS,
RESIDING AT THATTAKUNNIL VEEDU, THRIKKOVILVATTOM,
NAVAIKULAM, NAVAIKULAM VILLAGE, VARKALA TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 603.**

**R1 BY SMT.V.H.JASMINE,PUBLIC PROSECUTOR
R2 BY ADV. SRI.A.CHANDRA BABU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4857 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1- CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO.267/2015 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
(TEMPORARY), ATTINGAL.**

ANNEXURE A2- AFFIDAVIT FILED BY THE DEFACTO COMPLAINANT DATED 24.7.2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4857 of 2015
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Dated this the 30th day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.267 of 2015 of Judicial First Class Magistrate Court (Temporary), Attingal. 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 294(b), 323 and 354 of the Indian Penal Code on the complaint of one Sudhakumari, 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 herein in C.C.No.267 of 2015 of Judicial First Class Magistrate Court (Temporary), Attingal 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

rkj

//TRUE COPY//

P.A. TO JUDGE