

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Crl.MC.No. 4920 of 2015 ()

**IN CP 1/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM
CRIME NO. 980/2014 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT
=====**

PETITIONERS/ACCUSED 1 TO 2:

-
- 1. KAILAASAN, AGED 46 YEARS (A1)
S/O. BHADRAVAHANAN, RESIDING AT PUTHUVAL VEEDU
PRAYAR NORTH MURI, PUTHUPPALLY VILLAGE
ALAPPUZHA DISTRICT**
 - 2. SINDHU, AGED 40 YEARS (A2)
W/O. KAILASAN, RESIDING AT PUTHUVAL VEEDU
PRAYAR NORTH MURI, PUTHUPPALLY VILLAGE
ALAPPUZHA DISTRICT**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENTS/STATE & DEFACT COMPLAINANT:

-
- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
 - 2. DEEPA, AGED 27 YEARS
W/O. SABU, PUTHUVALIL VEEDU, PRAYAR NORTH MURI
PUTHUPPALLY VILLAGE, ALAPPUZHA DISTRICT**

**R2 BY ADV. SRI.R.RAJESH(PULLIKADA)
R1 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4920 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE -1 CERTIFIED COPY OF THE FIR NO 980/2014 OF KAYAMKULAM POLICE
STATION**

**ANNEXURE II CERTIFIED COPY OF FINAL REPORT IN CRIME NO 980/2014 OF
KAYAMKULAM POLICE STATION**

ANNEXURE III AFFIDAVIT DATED 12-1-2015 SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4920 of 2015

Dated this the 3rd day of August, 2015

O R D E R

The petitioners herein are the two accused in C.P.No.1/2015 of the Judicial First Class Magistrate Court, Kayamkulam. 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 341,323,324,498(A),506(i) and 354 read with 34 IPC, on the complaint of one Deepa, 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.

3. On a perusal of the materials including the complaint, I find that this is only a case of assault. There is reason to believe that Section 308 IPC was incorporated in the proceedings by the police, on the basis of a purely hypothetical statement. Any way, the main dispute is matrimony dispute, and it stands now resolved forever.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.P.No.1/2015 of the Judicial First Class Magistrate Court, Kayamkulam 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

sd