

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

CrI.MC.No. 4930 of 2015 ()

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C.C.No. 895/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL
CRIME NO. 491/2010 OF MANGALAPURAM POLICE STATION, THIRUVANANTHAPURAM
DISTRICT
=====**

PETITIONERS/A1 & A2:

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- 1. SATHEESH KUMAR, AGED 42 YEARS
S/O. SASEEDHARAN NAIR, SOPANAM, KUNNINAKATHU
NEAR A.V.MARBLES, KANIYAPURAM DESOM
PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM.**
 - 2. PADMINI AMMA, AGED 61 YEARS
D/O. OMANA AMMA, SREE PADMAM, KAIPALLI ROAD
CHITTATUMUKKU DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENTS/STATE & CW1:

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- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
MANGALAPURAM POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
 - 2. RESHMI , AGED 33 YEARS
D/O. REMA, CHITHRALAYAM, POUNDUKADAVU
VALIYA VELI DESOM, ATTIPRA VILLAGE
THIRUVANANTHAPURAM-695 101.**

**R2 BY ADV. SRI.HRITHWIK
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. 4930 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A : CERTIFIED COPY OF FIR IN CRIME NO.491/2010 OF MANGALAPURAM
POLICE STATION ALONG WITH COMPLAINT.**

**ANNEXURE B : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.491/2010 OF
MANGALAPURAM POLICE STATION.**

ANNEXURE C : AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4930 of 2015

Dated this the 3rd day of August, 2015

O R D E R

The petitioners herein are the two accused in C.C.895/2010 of the Judicial First Class Magistrate Court-II, Attingal. 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 120 B, 323 and 498 A IPC, on the complaint of one Reshmi, 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 petitioners herein in C.C.895/2010 of the Judicial First Class Magistrate Court-II, Attingal 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