

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4982 of 2015

CC NO. 1812/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM

CRIME NO. 1014/2014 OF KILIKOLLOOR POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED 1&2 :-

- 1. GIRISH, S/O.THANKAPPAN PILLAI, AGED 33 YEARS,
POOTHANAM (THANNIVILA), MANGADU PO, KOLLAM DISTRICT
PIN-691 015.**
- 2. GEETHAMMA,
AGED 56 YEARS, W/O.THANKAPPAN PILLAI,
POOTHANAM (THANNIVILA), MANGADU PO, KOLLAM DISTRICT
PIN-691 015.**

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. LAKSHMI,
AGED 24 YEARS, D/O.MOHANAN PILLAI
MADURAPURI(SHOBHANA MANDIRAM),
ULIYAKKOVIL P.O, KOLLAM,
PIN - 691 019.**

**R1 BY SMT. S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.M.R.SARIN**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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Crl.MC.No. 4982 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1014/2014 OF
KILIKOLLOOR POLICE STATION, KOLLAM.**

ANNEXURE 1 - AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4982 of 2015

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Dated this the 4th day of August, 2015

ORDER

The petitioners herein are the two accused in C.C.No.1812 of 2014 of the Judicial First Class Magistrate Court-II, Kollam. 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 498(A), and 34 of the Indian Penal Code on the complaint of one Lakshmi, 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. 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.1812 of 2014 of the Judicial First Class Magistrate Court-II, Kollam 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