

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

Cr1.MC.No. 5003 of 2015

IN CC 122/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KATTAKADA
CRIME NO. 518/2014 OF MALAYINKEEZHU POLICE STATION,
THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 & 2:

1. SAMLAL,
S/O.SIMON, RINSA COTTAGE, EX-SERVICE LANE,
MANGATTUKADAVU, MALAYINKEEZHU VILLAGE,
THIRUVANANTHAPURAM.
2. AMALA BAI,
W/O.SIMON, RINSA COTTAGE, EX-SERVICE LANE,
MANGATTUKADAVU, MALAYINKEEZHU VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. ARYA, AGED 24 YEARS,
D/O.USHA KUMARI, C.S.KUMAR MANDIRAM, MOTTAMMOODU,
PALLICHAL VILLAGE, THIRUVANANTHAPURAM - 695 001.

R2 BY ADV. SMT.K.SUJA KUMARI

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

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

Cr1.MC.No. 5003 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A: COPY OF FIR IN CRIME NO.518/2014 OF MALAYINKEEZHU
POLICE STATION DATED 3.7.2014 WITH COMPLAINAT

ANNEXURE-B: COPY OF THE FINAL REPORT SUBMITTED BY THE SUB
INSPECTOR OF POLICE MALAYINKEEZHU POLICE STATION BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, KATTAKADA

ANNEXURE-C: AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT SIGNED
BEFORE THE NOTARY PUBLIC DATED 18.7.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5003 of 2015

Dated this the 4th day of August, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C No.122/2015 of the Judicial First Class Magistrate Court, Kattakada. 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 498A r/w 34 of the Indian Penal Code on the complaint of one Arya 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 the 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. 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.122/2015 of the Judicial First Class Magistrate Court, Kattakada 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.

**P.UBAID
JUDGE**

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