

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.M.C.No. 5028 of 2015

CC 107/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- II, MAVELIKKARA

CRIME NO. 1136/2013 OF MAVELIKKARA POLICE STATION , ALAPPUZHA

PETITIONER(S)/A1 TO A3 :-

- 1. SREEKUMAR, AGED 41 YEARS,
S/O.THIRUVANCHAN, KARATHARAYIL VEEDU, PADINJARE VAZHI,
THRIPERUNTHURA, CHENNITHALA.**
- 2. SUNIL, AGED 31 YEARS,
S/O.BABY, CHINGOLIPPALLIL VEEDU, MUTTOM,
CHEPPAD.**
- 3. SYAMKUMAR, AGED 26 YEARS,
S/O.SASIDHARAKURUP, KARUNATTU VEEDU,
KARUVATTA THEKKU MURI, KUMARAPURAM, HARIPPAD.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S)/COMPLAINANT/CW-1,2,3,4,5:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. REVATHY, AGED 16 YEARS,
REVATHY NILAYAM, ERAVANKARA MURI, THAZHAKKARA,
MAVELIKKARA, REPRESENTED BY FATHER, NATARAJAN,
AGED 45 YEARS, -DO-.**
- 3. ARCHANA PRAKASH, AGED 16 YEARS,
KOLABHAGATHU VEETIL, KUNNAM MURI, THAZHAKKARA,
REPRESENTED BY FATHER PRAKASH, -D0-**
- 4. RESHMA REGHUNATH, AGED 16 YEARS,
MARUTHAMPPALLIL VEETIL, ERAVANKARA MURI, THAZHAKKARA,
REPRESENTED BY FATHER REGHUNATH, -DO-.**

Contd....2

**5. AARATHI SIDHARATHAN, AGED 16 YEARS,
PUTHENTHARAYIL VEETIL, ERAVANKARA MURI,
THAZHAKKARA REPRESENTED BY HER FATHER SIDHARATHAN
-DO-.**

**6. ASWATHY SABU, AGED 16 YEARS,
MOTTAICKAL ASWATHY BHAVAN, ERAVANKARA MURI,
THAZHAKKARA, REPRESENTED BY FATHER SABU -D0-.**

**R1 SMT.S.HYMA, BY PUBLIC PROSECUTOR
R2 TO R6 BY ADV. SRI.BINNY.A.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.M.C.No. 5028 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE - 1 : COPY OF THE FINAL REPORT.

ANNEXURE - 2 : AFFIDAVIT FILED BY THE 2 TO 6 RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5028 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners herein are the three accused in C.C.No.107 of 2015 of the Judicial First Class Magistrate Court-II, Mavelikkara. 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 509, 294(b) and read with Section 34 of the Indian Penal Code on the complaint of one Revathy, 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. The other victims of offence are the respondents 3 to 6 in this proceeding. The guardians of the victims including the second respondent herein have filed affidavit to the effect that the whole dispute stands settled amicably out of Court, and that complaint happened to be made on some misapprehension. I am well

satisfied that the guardians of the victims have come to terms in the best interest of the minors, and they apprehend that exposure of the minors to a trial process will cause harm and hardship to them. In such a situation, it is appropriate that the prosecution be quashed.

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.No.107 of 2015 of the Judicial First Class Magistrate Court-II, Mavelikkara 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