

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 5252 of 2015

IN CC 140/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PEERUMEDU

CRIME NO. 575/2011 OF KUMILY POLICE STATION, IDUKKI

PETITIONERS/ACCUSED:

1. PRABHEESH.R, AGED 39 YEARS,
S/O.O.B. RAMACHANDRAN, NOW RESIDIG AT TWINS BHAVAN,
KUZHITHOLU P.O., VANDANMEDU, IDUKKI.
2. O.B. RAMACHANDRAN, AGED 66 YEARS,
S/O. LATE BALAKRISHNAN, NOW RESIDIG AT TWINS BHAVAN,
KUZHITHOLU P.O., VANDANMEDU, IDUKKI.
3. THANKAMMA, AGED 59 YEARS,
W/O. O.B. RAMACHANDRAN, NOW RESIDIG AT TWINS BHAVAN,
KUZHITHOLU P.O., VANDANMEDU, IDUKKI.

BY ADVS.SRI.M.AJAY

SRI.K.R.RAJKUMAR

RESPONDENTS/STATE AND DEFCATO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. RAJANY, AGED 38 YEARS,
D/O. RAVI, NOW RESIDING AT MANUSSERIL HOUSE,
ARUNAVILASAM P.O., ARUNAVILASAM VILLAGE, VANDANMEDU,
IDUKKI- 676 505.

R2 BY ADV. SRI.V.P.PRASAD

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5252 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE CHARGE SHEET PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, ERNAKULAM DATED 6.11.2011

ANNEXURE II: COPY OF THE AGREEMENT ENTERED INTO BY THE 2ND RESPONDENT AND THE 1ST PETITIONER DATED 27.4.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.5252 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.140/2015 of the Judicial First Class Magistrate Court, Peerumedu. 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 Section 498(A) r/w 34 of the Indian Penal Code on the complaint of one Rajany, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole dispute stands resolved forever, that she has received money and the articles due, and that the parties have parted ways. In such a situation it is inappropriate to continue with the prosecution.

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.140/2015 of the Judicial First Class Magistrate Court, Peerumedu 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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