

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Crl.MC.No. 5422 of 2015 ()

**CC 633/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM
CRIME NO. 1457/2011 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT**
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PETITIONERS/ACCUSED NO.1 AND 2:

- 1. SREEKUMARAN PILLAI, AGED 50 YEARS
S/O.VISHNU NAMBOOTHIRI, SREERAGAM VEEDU
PULIKKANAKKU MURI, KAYAMKULAM VILLAGE
ALAPPUZHA DISTRICT**
- 2. GANGA DEVI, AGED 47 YEARS
W/O.SREEKUMARAN PILLAI, SREERAGAM VEEDU
PULIKKANAKKU MURI, KAYAMKULAM VILLAGE
ALAPPUZHA DISTRICT**

***ADDITIONAL 3RD PETITIONER IS IMPLEADED**

***SHAJI, 49 YEARS, S/O. HUMAHMED, HAJIRA MANZIL
NJAKKANAL MURI, KRISHNAPURAM VILLAGE
KARTHIKAPPALLY TALUK, ALAPPUZHA-688001**

**IS IMPLEADED AS PER ORDER DATED 7/9/2015 IN Crl.M.A.No.8828/2015 IN
Crl.M.C.No.5422/2015.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS/COMPLAINANTS/STATE/DEFACTO COMPLAINANT & 2ND ACCUSED:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031**
- 2. SUB INSPECTOR OF POLICE
KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT 691001**
- 3. KARTHIKA, D/O.KUNJI PILLAI, RESIDING AT KUTTIYIL VEEDU
THRIKKANAL MURI, KRISHNAPURAM VILLAGE
KARTHIKAPPALLY TALUK, ALAPPUZHA 688001**

**R3 BY ADV. SMT.PREETHA ANIL RAVEENDRAN
R1 & R2 BY BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-09-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1:TRUE COPY OF THE AGREEMENT DATED 14.12.2011 EXECUTED
BETWEEN THE DEFACTO COMPLAINANT**

**ANNEXURE A2:TRUE COPY OF THE CHARGE SHEET IN CC.NO.633/2013 ON THE FILE
OF THE JFMC KAYAMKULAM**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.5422 of 2015

Dated this the 11th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C.No.633/2013 of the Judicial First Class Magistrate Court, Kayamkulam. 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 406, 420 and 506(i) read with 34 IPC, on the complaint of one Karthika, who is the 3rd 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.No.633/2013 of the Judicial First Class Magistrate Court, Kayamkulam 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