

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 5475 of 2015 ()

**IN SC 31/2015 of ADDITIONAL DISTRICT AND SESSIONS COURT - I, MANJERI
CRIME NO. 653/2014 OF TIRUR POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED NOS.1 & 2:

- 1. VINEESH, S/O.VISWANATHAN AGED 34 YEARS
PUTHRODATH VAZHACHALIL HOUSE, KOMMERI POST, VALAYANAD
KOZHIKODE DISTRICT.**
- 2. VISWANATHAN, S/O.VELAYUDHAN
AGED 71 YEARS, PUTHRODATH VAZHACHALIL HOUSE
KOMMERI POST, VALAYANAD, KOZHIKODE DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031
REPRESENTING SUB INSPECTOR OF POLICE
TIRUR POLICE STATION
TIRUR-676101 , MALAPPURAM DISTRICT.**
- 2. KRISHNAN, S/O.AYYAPPAN
AGED 57 YEARS, MULLAPPALLI HOUSE, PACHATTIRI
TIRUR, MALAPPURAM DISTRICT, PIN -676 105.**
- 3. JAYASREE
AGED 50 YEARS, W/O.KRISHNAN, MULLAPPALLI HOUSE
PACHATTIRI, TIRUR, MALAPPURAM DISTRICT
PIN -676 105.**

**R2&R3 BY ADV. SRI.ARUN MATHEW VADAKKAN
R1 BYSMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5475 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.A1 - CERTIFIED COPY OF FIRST INFORMATION REPORT DATED 20.04.2014 IN
CRIME NO.653/2014 OF TIRUR POLICE STATION.**

**ANNX.A2 - CERTIFIED COPY OF FINAL REPORT DATED 05.09.2014 IN CRIME
NO.653/2014 OF TIRUR POLICE STATION.**

ANNX.A3 - AFFIDAVIT OF THE 2ND RESPONDENT DATED 16.05.2015

ANNX.A4 - AFFIDAVIT OF THE 3RD RESPONDENT DATED 16.05.2015

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.5475 of 2015

Dated this the 17th day of December, 2015

ORDER

The petitioners herein are the two accused in S.C.No.31/2015 of the Additional District and Sessions Court-I, Manjeri, involving the offences under Section 498(A) and 306 IPC. They seek orders quashing the proceedings on the ground of amicable settlement made out of court. It is not known who settled the matter. The victim is no more, and that is why there is a charge under Section 306 IPC. It appears that the other witnesses are not interested in the prosecution. Anyway, that is not a ground to quash the proceedings under Section 482 of the Code of Criminal Procedure. In matters like this, this Court cannot quash the proceedings under Section 482 of the Code of Criminal Procedure, on the ground of settlement. The accused will have to face trial before the trial court. Settlement out of court can be accepted by the court for passing orders under Section 482 of the Code of Criminal Procedure only in cases where the accused and the complainant, or the victim of offence,

have come to terms. In cases like this such a settlement is not possible.

2. Now the learned counsel for the petitioner makes a request for a direction for expeditious disposal of the case. It is not known what exactly is the pendency in the trial court. Anyway, if that is the request, the petitioners can approach the trial court with necessary application, which will be appropriately considered by the learned trial judge.

With these observations, this CrL.M.C. is disposed of.

JV

SD/-
P. UBAID
JUDGE