

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5585 of 2015

**CC 479/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA.
CRIME NO. 2256/2013 OF THIRUVALLA POLICE STATION.**
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PETITIONER(S)/ACCUSED NO. 1 & 2:

- 1. KAMALASANAN K.K., AGED 51 YEARS,
S/O. KRISHNAN, RESIDING AT
KANDATHIL HOUSE, WEST OTHERA P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.**
- 2. AKHIL @ RAHUAL, AGED 22 YEARS,
S/O. KAMALASANAN K.K., RESIDING AT
KANDATHIL HOUSE, WEST OTHERA P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT AND INJURED:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERAKULAM.**
- 2. SWAPANA RAJESH, AGED 34 YEARS,
W/O. RAJESH, KALUNKIL HOUSE, THAIMARAVUMKARA,
OTHERA WEST P.O., THIRUVALLA, PATHANAMTHITTA.**

**R1 BY PUBLIC PROSECUTORSMT.V.H.JASMINE
R2 BY ADV. SRI.CIRIL.T.EAPEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Crl.MC.No. 5585 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 - CERTIFIED COPY CHARGE IN CC 479/2014 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT - I, THIRUVALLA.**

ANNEXURE A2 : AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

P.UBAID, J.

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Crl.M.C.No.5585 of 2015

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Dated this the 19th day of August, 2015

ORDER

The petitioners herein are the two accused in C.C.No.479 of 2014 of the Judicial First Class Magistrate Court, Thiruvalla. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him/them and the de facto complainant. Crime in this case was registered under Sections 323, and 354 read with Section 34 of the Indian Penal Code on the complaint of one Swapna Rajesh, 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 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.479 of 2014 of the Judicial First Class Magistrate Court, Thiruvalla 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