

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5750 of 2015 ()

CC. NO.861/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KADAKKAL.
CR. NO. 581/2014 OF KADAKKAL POLICE STATION.

PETITIONERS/ACCUSED:

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- 1. ANIL KUMAR, AGED 33 YEARS,
S/O.SAHADEVAN, CHARUVILA PUTHENVEEDU,
EYYAKKODE, KADAKKAL VILLAGE, KOLLAM.**
 - 2. THULASINI, AGED 62 YEARS,
W/O.SAHADEVAN, CHARUVILA PUTHENVEEDU,
EYYAKKODE, KADAKKAL VILLAGE, KOLLAM.**

**BY ADVS.SRI.SYAM J SAM,
SMT.KRISHNA RAJENDRAN.**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. DIVYA, AGED 28 YEARS,
D/O.S. VIDYADHARAN, SREESADANAM HOUSE,
OLAPPARA P.O., CHALIYAKKARA VILLAGE,
KOLLAM DISTRICT-691 001.**

R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 : PHOTO COPY OF THE CHARGE SHEET IN CC.861/2014 ON
THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KADAKKAL.**

**ANNEXURE A2 : AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT
STATING THE SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.UBAID, J.

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Crl.M.C.No.5750 of 2015
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Dated this the 20th day of August, 2015

ORDER

The petitioners herein are the two accused in C.C.No.861 of 2014 of the Judicial First Class Magistrate Court-I, Kadakkal. 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) read with Section 34 of the Indian Penal Code on the complaint of one Divya, 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.861 of 2014 of the Judicial First Class Magistrate Court-I, Kadakkal 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.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE