

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Cr1.MC.No. 5926 of 2015

IN CC 248/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KATTAKADA
CRIME NO. 279/2011 OF VILAPPILSSALA POLICE STATION,
THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

1. SASEENDRAKUMAR, AGED 54 YEARS,
S/O.DASAN, AMAL BHAVAN, PARAMKUZHI,
KONNIYOOR MURI, PERUMKULAM VILLAGE.
2. VIJAYAKUMAR, AGED 56 YEARS,
S/O.DASAN, AJITH BHAVAN, PARAMKUZHI,
KONNIYOOR MURI, PERUMKULAM VILLAGE.

BY ADVS.SRI.M.RAMESH CHANDER (SR.)
SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE

RESPONDENTS/COMPLAINANT & STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SAMJITH RANI, AGED 34 YEARS,
D/O.LILLY STELLA, RAJ BHAVAN, PARAMKUZHI,
VILAPPIL VILLAGE, THIRUVANANTHAPURAM - 695 573.

R2 BY ADV. SRI.V.TEKCHAND
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5926 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: PHOTOSTAT COPY OF THE FINAL REPORT IN CRIME
NO.279/11 OF VILAPPILSALA POLICE STATION.

ANNEXURE-A2: TRUE COPY OF THE AFFIDAVIT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5926 of 2015

Dated this the 2nd day of September, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C No.248/2011 of the Judicial First Class Magistrate Court, Kattakkada. 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 452, 294(b), 354, 323, 324, 506(i) and 427 r/w 34 of the Indian Penal Code on the complaint of one Samjith Rani 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. The main offence alleged in this case is under Section 354 of the Indian Penal Code. It is really doubtful whether the allegations will come under Section 354 IPC, because the final report shows that the act alleged under Section 354 IPC was in fact committed as part of the assault, and not with

any other intend. It is submitted that a connected case also stands settled between the parties. A mere assault on a woman will not come under Section 354 IPC. When the whole dispute including the connected case stands settled, it is appropriate that the prosecution be quashed.

3. 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.248/2011 of the Judicial

First Class Magistrate Court, Kattakkada 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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