

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 5945 of 2015

C.C.NO.451/2015 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT – I, KOCHI

CRIME NO. 546/2012 OF KANNAMALI POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO.1 TO 2 :-

1. SHYNI MARTIN, AGED 44 YEARS,
W/O.MARTIN, RESIDING AT KOYIPARABIL HOUSE,
MARUVAKKAD, KANNAMALI (P.O.), KOCHI – 682 008.

2. GISHMA, AGED 25 YEARS,
D/O.MARTIN, RESIDING AT KOYIPARAMBILA HOUSE,
MARUVAKKAD, KANNAMALI (P.O.), KOCHI – 682 008.

BY ADV. SRI.R.O.MUHAMED SHEMEEM

RESPONDENT(S)/DEFACTO COMPLAINANT :-

1. SUB INSPECTOR OF POLICE,
KANNAMALI POLICE STATION, KANNAMALI,
ERNAKULAM DISTRICT.

2. MARY BENZY, AGED 32 YEARS,
W/O.ANDREWS, CHATHANATTU HOUSE, MARUVAKKAD,
CHELLANAM (PO), ERNAKULAM DISTRICT.

3. LEENA VINCENT, AGED 39 YEARS,
W/O.VINCENT, CHATHANATTU HOUSE, MARUVAKKAD,
CHELLANAM (PO), ERNAKULAM DISTRICT.

4. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 & R3 BY ADV. SMT.K.BHAVYA GOPAL
R BY SMT.REMA R., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE -1 : CERTIFIED COPY OF THE FINAL REPORT IN CC NO.451/2015
PENDING BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE
COURT-I, KOCHI.**

**ANNEXURE -2 : CERTIFIED COPY OF FIR NO.546 OF 2012, DATED 14.07.2012 OF
KANNAMALI POLICE STATION.**

**ANNEXURE -3 : TRUE COPY OF THE AFFIDAVIT DATED 12.08.2015 OF 2ND
RESPONDENT/ SMT.MARY BENZY.**

**ANNEXURE -4 : TRUE COPY OF THE AFFIDAVIT DATED 12.08.2015 OF 3RD
RESPONDENT/SMT.LEENA VINCENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5945 of 2015

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Dated this the 3rd day of September, 2015

ORDER

The petitioners herein are the two accused in C.C.No.451 of 2015 of the Judicial First Class Magistrate Court-I, Kochi. 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 323 and 324 read with Section 34 of the Indian Penal Code on the complaint of one Mary Benzy, 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. The other victim of offence is the 3rd respondent in this proceeding. She has also 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.451 of 2015 of the Judicial First Class Magistrate Court-I, Kochi 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