

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Crl.MC.No. 6111 of 2015 ()

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CC 1260/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 345/2010 OF MULANTHURUTHY POLICE STATION, ERNAKULAM DISTRICT
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PETITIONERS/ACCUSED NO'S.1 TO 3:

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- 1. UDAYAN, AGED 38 YEARS
S/O.KUTTY, ELLUMKALAYIL HOUSE
INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM.**
 - 2. LEELA, AGED 60 YEARS
W/O.KUTTY, ELLUMKALAYIL HOUSE
INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM.**
 - 3. SMITHA, AGED 33 YEARS
W/O.PRASAD, ADUKKATTIL HOUSE
CHETHIKKODU KARA
EDAKKATTUVAYAL VILLAGE, ERNAKULAM.**

BY ADV. SRI.BINU B.SAMUEL

RESPONDENTS:

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- 1. KARTHIYANI, AGED 63 YEARS
W/O.KOCHU KUNJU, ARAKKALPPARAMBIL HOUSE
INCHIMALA BHAGOM, MULANTHURUTHY KARA
MULANTHURUTHY VILLAGE, ERNAKULAM DISTRICT.682 314.**
 - 2. DINESHAN, AGED 30 YEARS
S/O.KOCHUKUNJU, ARAKKAPPARAMBIL HOUSE
INCHIMALA BHAGOM, MULANTHURUTHY, ERNAKULAM.682 314.**
 - 3. SANDHYA, AGED 29 YEARS
W/O.DINESAN, ARAKKAPPARAMBIL HOUSE, INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM.682 314.**
 - 4. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.682 031.**

**R1 BY ADV. SRI.IEANS.C.CHAMAKKALA
R4 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1- COPY OF THE FJ STATEMENT.

ANNEXURE A2- COPY OF THE F.I.R.

ANNEXURE A3- COPY OF THE CHARGE SHEET.

ANNEXURE A4- AFFIDAVIT OF THE 1ST RESPONDENT.

ANNEXURE A5- AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE A6- AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6111 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in C.C. No.1260/2014 of the Judicial First Class Magistrate Court, Piravom. 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 341, 323, 324 and 294(b) and Section 34 IPC, on the complaint of one Karthiyani, who is the 1st 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 persons who sustained injuries in the alleged incident are the respondent Nos.2 and 3 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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. 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.1260/2014 of the Judicial First Class Magistrate Court, Piravom 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. The counter case also stands settled between the parties, and the court has passed orders quashing that proceeding also.

Sd/-

P. UBAID, JUDGE

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