

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Crl.MC.No. 6115 of 2015 ()

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CC 868/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II, HOSDRUG
CRIME NO. 43/2013 OF HOSDURG POLICE STATION , KASARGOD DISTRICT
=====**

PETITIONERS/ACCUSED:

- 1. SURESH, AGED 43 YEARS, S/O. NARAYANAN
NELLITHARA, AJANOR GRAMAM
KANJANGHAD**
- 2. MADHU P.K., AGED 37 YEARS, S/O. NARAYANAN
MAVUNKAL, PUTHIYAKANDAM
AJANOR GRAMAM**

BY ADV. SRI.RAJESH PADMANABHAN

RESPONDENT/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM – 682031**
- 2. THE STATION HOUSE OFFICER
HOSDURG POLICE STATION, KASARAGOD – 671121**
- 3. K. SUJATHA, W/O. PRADEEP
PORKALAM HOUSE, RESIDING AT
ENNA PARA, BELUR VILLAGE
VELLARIKUNDU TALUK
KASARAGOD DISTRICT - 671121**

**R3 BY ADV. SMT.REENA ABRAHAM
R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C. NO.66115/2015

APPENDIX

PETITIONERS' EXHIBITS

- | | |
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| ANNEXURE A1 | COPY OF THE FIR NO.35/2013 OF THE HOSDURG POLICE STATION, KASARAGOD |
| ANNEXURE A2 | COPY OF THE CHARGE IN C.C.NO.868/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG |
| ANNEXURE A3 | AFFIDAVIT SWORN TO BY THE THIRD RESPONDENT |

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.6115 of 2015

Dated this the 11th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C.868/2015 of the Judicial First Class Magistrate Court-II, Hosdurg. 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 354 and 506(i) read with 34 IPC, and Section 119(1)(a) of the Kerala Police Act, on the complaint of one Sujatha, who is the 3rd 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.868/2015 of the Judicial First Class Magistrate Court-II, Hosdurg 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

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