

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Crl.MC.No.6632 of 2015

C.C.NO.73/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM

PETITIONERS/ACCUSED :-

1. SIJO, S/O.GOPALAKRISHNAN, AGED 35,
VATTAMKANDATHIL HOUSE,
PERIYAPPURAM KARA, OONAKKOOR VILLAGE,
PERIYAPPURAM P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN - 686 667.
2. PRIYA, W/O.SIJO, AGED 32,
VATTAMKANDATHIL HOUSE,
PERIYAPPURAM KARA, OONAKKOOR VILLAGE,
PERIYAPPURAM P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN - 686 667.

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENTS/DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. KARTHIYAYINI, W/O.NARAYANAN, AGED 77,
PULICHUVATTIL HOUSE,
PERIYAPPURAM KARA, OONAKKOOR VILLAGE,
MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN - 686 667.
3. SANTHA, D/O.NARAYANAN, AGED 54,
PULICHUVATTIL HOUSE,
PERIYAPPURAM KARA, OONAKKOOR VILLAGE,
MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN - 686 667.

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.K.S.ANEESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : THE CERTIFIED COPY OF THE COMPLAINT IN C.C.NO.73/2015
OF JFCM PIRAVOM DATED 24/12/2014.**

**ANNEXURE A2 : THE TRUE COPY OF THE SUMMONS ISSUED TO THE 1ST
PETITIONER.**

**ANNEXURE A3 : THE TRUE COPY OF THE SUMMONS ISSUED TO THE 2ND
PETITIONER.**

**ANNEXURE A4 : THE TRUE COPY OF AFFIDAVIT SWORN BY THE 2ND
RESPONDENT.**

**ANNEXURE A5 : THE TRUE COPY OF AFFIDAVIT SWORN BY THE 3RD
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- **NIL**

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6632 of 2015
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Dated this the 12th day of October, 2015

ORDER

The petitioners herein are the two accused in C.C.No.73 of 2015 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. Cognizance was taken by the learned Magistrate under Sections 323, 354, 506(i), 294(b) and 451 of the Indian Penal Code on the complaint of one Karthiyayini, 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 person who sustained injuries in the alleged incident 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.

3. It is submitted that a connected case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.73 of 2015 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.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE