

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

Crl.MC.No. 6828 of 2015

CRIME NO. 574/2015 OF THEKKUMBHAGAM POLICE STATION, KOLLAM

PETITIONER(S):

**SMINURAJ, S/O.RAJAN, AGED 27 YEARS,
SRUTHINILAYAM HOUSE, ARINALLOOR,
KOLLAM DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS**

RESPONDENT(S)/STATE & COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. VIJAYALAKSHMI, AGED 32 YEARS,
W/O.SUNIL KUMAR,
CHRISTY BHAVANAM HOUSE,
THEVALAKKARA VILLAGE,
CHAVARA THEKKUMBHAGAM,
KOLLAM DISTRICT, PIN - 691 583.**

**R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.P.A.VIBIN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : TRUE COPY OF THE CHARGE SHEET IN CRIME NO.574/2015 OF
THEKKUMBHAGAM POLICE STATION.**

**ANNEXURE II : TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6828 of 2015
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Dated this the 21st day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.182 of 2015 of the Judicial First Class Magistrate Court, Chavara. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 447, 427, 294(b) and 509 IPC on the complaint of one Vijayalakshmi, 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. 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 petitioner herein in C.C.No.182 of 2015 of the Judicial First Class Magistrate Court, Chavara will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE