

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.M.C.No.7073 of 2015

**S.C. No.756/2014 OF ADDITIONAL ASSISTANT SESSIONS COURT, IRINJALAKUDA
CRIME No.1095/2014 OF IRINJALAKUDA POLICE STATION , THRISSUR**

PETITIONER/COMPLAINANT:

**ABHILASH, AGED 35 YEARS, S/O. AUGUSTINE,
MANIKALATH HOUSE, THANIPPUZHA DESOM,
OKKAL CHELAMATTOM VILLAGE, ERNAKULAM DISTRICT.**

**BY ADVS. SRI. G.SREEKUMAR (CHELUR)
SRI. N.L.BITTO**

RESPONDENTS/STATE OF KERALA AND THE COMPLAINANT:

- 1. THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
IRINJALAKUDA POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**
- 2. SUMI, AGED 33 YEARS,
D/O. JOHNY, KAITHARATH HOUSE, KOTTANALLORE DESOM,
VELUKKARA VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.**
- 3. ROSILY, AGED 57 YEARS,
W/O. JOHNY, KAITHARATH HOUSE, KOTTANALLORE DESOM,
VELUKKARA VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.**
- 4. LONACHAN, AGED 54 YEARS,
S/O. DEVASSY, CHELLAKKUDAM HOUSE,
MALA PALLIPPURAM DESOM, PALLIPPURAM VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA.M.T
R2 TO R4 BY ADV. SRI. N.U.HARIKRISHNA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE I:** TRUE COPY OF THE FIR IN CRIME No.1095 OF 2014 DATED 11-6-2014 OF THE IRINJALAKUDA POLICE STATION.
- ANNEXURE II:** A TRUE COPY OF THE FINAL REPORT IN CRIME No.1095 OF 2014 DATED 11-6-2014 OF THE IRINJALAKUDA POLICE STATION.
- ANNEXURE III:** AN AFFIDAVIT FIELD BY THE 2ND RESPONDENT DATED 23-5-2015 REGARDING SETTLEMENT.
- ANNEXURE IV:** AN AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 15-10-2015 REGARDING SETTLEMENT.
- ANNEXURE V:** AN AFFIDAVIT FILED BY THE 4TH RESPONDENT DATED 15-10-2015 REGARDING SETTLEMENT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.7073 OF 2015

Dated this the 17th day of November, 2015

ORDER

The petitioner herein is the accused in S.C. No.756/2014 of the Addl. Asst Sessions Court, Irinjalakuda. 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. 498(A), 341, 323, 324, 326, 452, 308 of IPC on the complaint of one Sumi 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. The other persons who sustained injuries in the alleged incident are the 3rd and 4th respondents 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.

3. 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.

4. On a perusal of the materials I find that this is only a case of assault as part of a dispute in matrimony. I find that Section 308 IPC was incorporated by the police.

On the basis of some hypothetical statement. The person who sustained grievous hurt by way of fracture of nasal bone is the mother-in-law. She has no grievance or dispute now. It is submitted that the de facto complainant has joined the petitioner in matrimony, and they are now leading a very happy matrimony. In such a situation it is appropriate that the pending prosecution be quashed, lest it might defile the matrimony of the petitioner and the complainant.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C. No.756/2014 of the Addl. Asst Sessions Court, Irinjalakuda 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