

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Crl.MC.No. 7299 of 2015 ()

IN SC 239/2015 of ASSISTANT SESSIONS COURT, KOTTAYAM

CRIME NO. 563/2014 OF VELLOOR POLICE STATION , KOTTAYAM

PETITIONER/ACCUSED:

**SIBI AGED 39 YEARS, S/O KARUNAKARAN
SHEEJA MANDIRAM, KEEZHUR P.O., VAIKOM
KOTTAYAMDISTRICT. PIN - 686 605.**

BY ADV. SRI.SALIM V.S.

RESPONDENT(S):

**1. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
VELLOOR POLICESTATION
KOTTAYAM DISTRICT. REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

**2. SHEEJA, AGED 45 YEARS
D/O.KARUNAKARAN, SHEEJA MANDIRAM, KEEZHUR P.O,VAIKOM
KOTTAYAM DISTRICT, PIN - 686 605.**

**R2 BY ADV. SRI.H.NUJUMUDEEN
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7299 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1 : COPY OF THE FIR IN CRIME 563/2014 OF VELLOOR
POLICE STATION.**

ANNEXURE-A2 : COPY OF THE FINAL REPORT IN CRIME NO.563/2014

**ANNEXURE-A3 : COPY OF THE SETTLEMENT DEED BY THE PETITIONER
AND 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P.UBAID, J.

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Crl.M.C.No.7299 of 2015
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Dated this the 3rd day of December, 2015

ORDER

The petitioner herein is the sole accused in S.C.No.239 of 2015 of the Additional Assistant Sessions Court, Kottayam. 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 Section 308 IPC on the complaint of one Sheeja, 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.

3. The accused and the complainant are brother and sister. It is submitted that the alleged incident happened in connection with some dispute within the family regarding some property. On a perusal of the materials, I find that this is only a case of simple assault, and that Section 308 IPC was incorporated the proceedings by the police on the basis of a purely hypothetical statement. Anyway, the whole dispute now stands resolved within the family.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No.239 of 2015 of the

Additional Assistant Sessions Court, Kottayam 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