

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Crl.MC.No. 7339 of 2015

SC 676/2012 OF ASSISTANT SESSIONS COURT, KARUNAGAPPALLY

CRIME NO. 1086/2011 OF CHAVARA POLICE STATION, KOLLAM

PETITIONER/SOLE ACCUSED :-

**SUILKUMAR, AGED 38 YEARS,
S/O.UTHAMAN, VADAKKARA PADINJATTATHIL,
PUTHENSANKETHAM, KOIVILA P.O.,
KARUNAGAPPALLY, KOLLAM DISTRICT.
(KUZHIVELIL VADAKKATHIL, MUKUNDAPURAM,
CHAVARA VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT - 691 585)
REPRESENTED BY POWER OF ATTORNEY HOLDER SAJITHA,
W/O.SUNILKUMAR, KUZHIVELIL VADAKKATHIL, MUKUNDAPURAM,
CHAVARA VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT - 691 585.**

**BY ADVS.SRI.V.PHILIP MATHEW
SRI.JEPH JOSEPH**

RESPONDENT(S)/DEFACTO COMPLAINANT & THE STATE :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. SUNILKUMAR M., AGED 34,
S/O.MURALEEDHARAN PILLAI,
VISHNU BHAVAN, MUKUNDAPURAM P.O.,
CHAVARA, KOLLAM DISTRICT - 691 585.**
- 3. SARASWATHY AMMA, AGED 60,
W/O.MURALEEDHARAN PILLAI,
VISHNU BHAVAN, MUKUNDAPURAM P.O.,
CHAVARA, KOLLAM DISTRICT - 691 585.**

**R2 & R3 BY ADV. SRI.N.K.THANKACHAN
R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE 1 : COPY OF FIR IN CRIME NO.1086 OF 2011 OF CHAVARA POLICE STATION.

ANNEXURE 2 : COPY OF FINAL REPORT IN CRIME NO.1086/2011.

ANNEXURE 3 : AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE 4 : 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.7339 of 2015
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Dated this the 20th day of November, 2015

ORDER

The petitioner herein is the sole accused in S.C.No.676 of 2012 of the Assistant Session's Court, Karunagappally. 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 323, 324 and 308 of IPC and Section 27 of the Arms Act on the complaint of one Sunilkumar, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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 the parties are close relatives and neighbours. On a perusal of the materials, I find it doubtful, whether this is exactly a case under Section 308 IPC. Anyway, the whole issue between the parties stands resolved forever, and they have come to terms amicably.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No.676 of 2012 of the Assistant Session's Court, Karunagappally 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