

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA,
1937

Cr1.MC.No. 7524 of 2015

IN CC 740/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, ATTINGAL
CRIME NO. 460/2012 OF ATTINGAL POLICE STATION,
THIRUVANANDAPURAM

PETITIONER/ACCUSED :

SURENDRAN, AGED 60 YEARS,
S/O.GANGADHARAN, RED LAND, GRAMATHUMUKKU,
AVANAVANCHERRY VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT & INJURED :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. LIJI
(WRONGLY SHOWN AS VIJI IN ANX.A FINAL REPORT)
D/O. LEENA, RED LAND, GRAMATHUMUKKU,
AVANAVANCHERRY VILLAGE, ATTINGAL,
THIRUVANANTHAPURAM-695 001.
3. LALLU,
W/O. SREERANGAN, "HAPPY", GRAMATHUMUKKU,
AVANAVANCHERRY VILLAGE, ATTINGAL,
THIRUVANANTHAPURAM-695 001.

R2 & 3 BY ADV. SMT.E.S.SANDHYA

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7524 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A : COPY OF THE FINAL REPORT IN CRIME
NO.460/2012 OF ATTINGAL POLICE STATION,
THIRUVANANTHAPURAM.

ANNEXURE B : ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT DTD.26.11.2015.

ANNEXURE C : ORIGINAL AFFIDAVIT EXECUTED BY THE 3RD
RESPONDENT DTD.26.11.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7524 of 2015

Dated this the 1st day of December, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.740/2012 of the Judicial First Class Magistrate Court I, Attingal. 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 and 324 of the Indian Penal Code on the complaint of one Liji who is the second 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 person who sustained injuries in the alleged incident is the third 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.

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 the prosecution 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. 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. The petitioner is none other than the father of the defacto complainant. There is reason to believe that she happened to make complaint against her father on some misapprehension. Anyway, the whole issue within the family stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.740/2012 of the Judicial First Class Magistrate Court I, Attingal 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**

ab

//True Copy//