

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA,
1937

Cr1.MC.No. 7566 of 2015

IN C.C 8381/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, IRINJALAKUDA
CRIME NO. 917/2013 OF KATTOOR POLICE STATION, TRISSUR

PETITIONERS/COMPLAINANT:

1. PREM SINGH, AGED 52 YEARS,
S/O.RAMAKRISHNAN, KUNNAPPASSERY HOUSE,
MANAPPADI DESOM,
KATTOOR P.O., MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.
2. RAMESHKUMAR, AGED 50 YEARS,
S/O.DAMODHARAN, KARUVATH HOSUE, KOORIKKUZHI,
KAIPAMANGALAM P.O, THRISSUR DISTRICT.

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

RESPONDENTS/STATE OF KERALA AND THE COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KATTOOR POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
AT ERNAKULAM - 682 031.
2. SIJI, AGED 38 YEARS,
D/O. CHANDRAN, POOVATHUMTHAZHAM HOUSE,
VELLARAMPADAM DESOM, MUPLIYAM VILLAGE
MUKUNDAPURAM TALUK - 680 001.

R1 BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 02-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7566 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: COPY OF THE FIR IN CRIME NO.917 OF 2013 DATED
21.9.2013 OF THE KATTOOR POLICE STATION.

ANNEXURE II: COPY OF THE FINAL REPORT IN CRIME NO.917 OF
2013 OF THE KATTOOR POLICE STATION DATED 21.9.2013.

ANNEXURE III: AN AFFIDAVIT FILED BY THE 2ND RESPONDENT
DATED 17.1.2015 REGARDING SETTLEMENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7566 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The petitioners herein are the two accused in C.C No.8381/2013 of the Judicial First Class Magistrate Court, Irinjalakuda. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 341, 323 and 354 r/w 34 of the Indian Penal Code on the complaint of one Siji 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. 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. It is submitted that the alleged incident is in fact happened in connection with some matrimonial dispute between the defacto complainant and her husband. The first petitioner herein is none other than the brother-in-law of the defacto complainant. It is submitted that the whole matrimonial dispute now stands resolved forever, and as part of the said settlement, this case was also settled between the parties.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.8381/2013 of the Judicial First Class Magistrate Court, Irinjalakuda will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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