

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Cr1.MC.No. 7769 of 2015

IN C.C 697/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHENGANNUR
CRIME NO. 362/2009 OF CHENGANNOOR POLICE STATION ,
ALAPPUZHA

PETITIONERS/ACCUSED A2 TO 3:

1. VISVANATHAN, AGED 58 YEARS,
S/O.LATE MADHAVAN, VISVAVILASAM VEEDU,
PADINJATTUM MURI, CHERYIANADU VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.
2. JAYASREE, AGED 34 YEARS,
D/O.VISVANATHAN, VISVAVILASAM VEEDU,
PADINJATTUM MURI
CHERYIANADU VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.
2. SOUDAMINI, AGED 68 YEARS,
W/O.RAMJATHAN, PUVANNATHEKKETHIL VEETIL,
PADINJATTUM MURI, CHERYIANADU VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT-689 121.

R2 BY ADV. SRI.DINESH THANKAPPAN

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 22-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7769 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A. COPY OF CHARGE SHEET IN CRIME 362/09 OF
CHENGANNUR POLICE STATION.

ANNEXURE B: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7769 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioners herein are the accused Nos.2 and 3 in C.C No.697/2010 of the Judicial First Class Magistrate Court, Chengannur. The first accused died pending the proceeding and thus the prosecution as against the first accused abated. A copy of the death certificate produced by the petitioners herein shows that the first accused died on 17.11.2013. The petitioners 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 294(b), 323, 324, 506(ii) and 326 of the Indian Penal Code on the complaint of one Soudamini 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. The defacto complainant who has settled the dispute is the sister of accused Nos.1 and 2. The 3rd accused is the daughter of the 1st accused. The whole dispute between them now stands resolved within the family, and the relationship between them is quite cordial.

In the result, this petition is allowed. The prosecution against the accused Nos.2 and 3 in C.C No.697/2010 of the Judicial First Class Magistrate Court, Chengannur 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.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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