

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Cr1.MC.No. 7775 of 2015

CRIME NO. 4656/2013 OF ALUVA EAST POLICE STATION, ERNAKULAM
IN C.C NO.704/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT I, ALUVA

PETITIONERS/ACCUSED 1 AND 2:

1. AJITHA, AGED 28 YEARS,
D/O. JAMAL, CHAKKNAYIL HOUSE,
MATTANCHERY VILLAGE,
CHULLIKKAL, ERNAKULAM DISTRICT.
2. ANITHA, AGED 26 YEARS,
D/O. JAMAL, CHAKKNAYIL HOUSE,
MATTANCHERY VILLAGE,
CHULLIKKAL, ERNAKULAM DISTRICT

BY ADVS.SRI.GEO PAUL

SRI.SANU MATHEW
SRI.RADHIKA RAJASEKHARAN P.
SRI.C.R.PRAMOD
SRI.S.ASHOK KUMAR.
SRI.LENIN P. SUKUMARAN

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

1. BEENA,
W/O. ABDUL MAJEED, ARAVASSERY, COMPANY PADI,
THAIKATTUKARA, ALUVA - 683 106.
2. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR,
ALUVA EAST POLICE STATION, BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.V.N.SUNIL KUMAR

R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7775 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1. COPY OF THE CHARGE IN CC 704/2015 ON THE FILES OF
JUDICIAL FIRST CLASS MAGISTRATE COURT II, ALUVA.

ANNEXURE A2. COPY OF AFFIDAVIT FILED BY THE 1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7775 of 2015

Dated this the 14th day of December, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C No.704/2015 of the Judicial First Class Magistrate Court I, Aluva. 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 Section 156(3) of the Code of Criminal Procedure on the complaint of one Beena who is the first 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 final report shows that this is only a case of assault. A mere assault on a woman will not come under Section 354 of the Indian Penal Code. However, the said offence is alleged against the first accused. These petitioners are women, against whom the other offences are alleged. Anyway, the whole dispute now stands settled and resolved between the petitioners and the victim.

In the result, this petition is allowed. The prosecution against the petitioners herein as accused Nos.1 and 2 in in C.C No.704/2015 of the Judicial First Class Magistrate Court I, Aluva 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.

ab

**Sd/-
P.UBAID
JUDGE**