

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 7875 of 2015 ()

IN CC 548/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-I,THAMARASSERY

CRIME NO. 216/2015 OF KODUVALLY POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

- 1. RAJU, S/O GOPALAN NAIR, AGED 26 YEARS
CHALIYAMPURATH, SOUTH KODUVALLY
KODUVALLY PO, KOZHIKODE DISTRICT**
- 2. VIJU @ BIJU, S/O GOPALAN NAIR, AGED 37 YEARS
CHALIYAMPURATH, SOUTH KODUVALLY,
KODUVALLY PO, KOZHIKODE DISTRICT**

**BY ADVS.SRI.SANTHARAM.P
SMT.REKHA ARAVIND**

RESPONDENT(S)/DE FACTO COMPLAINANT & STATE:

- 1. RAVEENDRAN, S/O CHANDU NAIR
AGED 44 YEARS, KALATHIL HOUSE, SOUTH KODUVALLY
KOZHIKODE DISTRICT - 673 001**
- 2. BISNA, AGED 39 YEARS, W/O RAVEENDRAN
KALATHIL HOUSE, SOUTH KODUVALLY
KOZHIKODE DISTRICT - 673 001**
- 3. S.H.O., KODUVALLY POLICE STATION
KOZHIKODE - 673 001**
- 4. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31**

**R1 & R2 BY ADV. SRI.ANOOP JOSEPH
R4 BY ADV.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7875 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS:

- ANNEXURE 1 : COPY OF THE FIR IN CRIME NO.216/15 OF KODUVALLY POLICE**
- ANNEXURE 2 : COPY OF THE FINAL REPORT AND CHARGE IN CRIME
NO.216/15 OF KODUVALLY POLICE**
- ANNEXURE 3 : COPY OF AFFIDAVIT FILED BY THE RESPONDENTS 1 & 2**

RESPONDENTS' EXHIBITS:

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7875 of 2015

Dated this the 17th day of December, 2015

ORDER

The petitioners herein are the two accused in C.C.No548/2015 of the Judicial First Class Magistrate Court-I, Thamarassery. 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 452, 354, 323, 324 and 427 read with Section 34 IPC, on the complaint of one Raveendran, who is the 1st 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 victim of offence is the 2nd 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. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the trial court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial. On a perusal of the materials I find that this is only a case of simple assault in which the husband and wife sustained injuries. There is nothing to attract Section 354 IPC. A mere assault on a woman will not by itself constitute the offence under Section 354 IPC. Anyway the parties have come to terms amicably, and the whole dispute stands resolved.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.548/2015 of the Judicial First Class Magistrate Court-I, Thamarassery 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.

JV

SD/-
P. UBAID
JUDGE