

**Order Dated:21-05-2026**

The complainant by name Sri. Mothilal S/o Nathusing sony is present before the court and has filed application U/sec.359 of BNSS-2023 stating that, he has compounded the case amicably with the accused-1 and 2. Accused-1 and 2 present. Enquired the complainant and accused. Further the complainant is identified by the Court P.C.603 of Sedam PS. He has submitted that, he has voluntarily compromised the matter without any pressure. On

perusal it appears that, the compromise application filed by complainant is voluntary without any pressure. It also appears that, the compromise application filed by the complainant is not oppose to natural justice and there are no reasons found to reject the same.

The **Hon'ble Kerala High Court in a decision reported in 2007 SCC ONLINE KER 405 (BAIJU V/S STATE OF KERALA)** was please to held that, even in the absence of accused Court can accept the compromise application filed by the complainant only. In the instant case also complainant has filed the compromise application U/sec.359 of BNSS-2023. Hence, the principles laid down in the above cited Judgment is applicable to the present hands of the case to compromise the case in the absence of the accused .

The alleged offences is punishable U/sec.126(2), 54, 351(2), 352 R/W 3(5) of BNS which is compoundable offence as per section 359(1) of BNSS-2023. Hence, I proceed to pass the following;

### **ORDER**

The application filed by the complainant U/sec.359 of BNSS-2023 is hereby allowed. Accordingly, the case is disposed as settled before the court.

Acting U/sec.359(8) of BNSS-2023., **accused-1 and 2** are acquitted for the offence punishable U/sec. 126(2), 54, 351(2), 352 R/W 3(5) of BNS.

Bail bonds and surety bonds if any stands canceled.

**CJ & JMFC, Sedam.**