

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Cr1.MC.No. 140 of 2015

IN CC 4463/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THRISSUR

CRIME NO. 1292/2013 OF TOWN WEST POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

NIVIN KUMAR,
S/O. KUMARAN, MANATHALA HOUSE, KONATHUKUNNU.P.O,
THRISSUR DISTRICT.

BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA

RESPONDENTS/COMPLAINANT AND STATE :

1. SHYAMA
D/O. MANI, KARANCHIRA HOUSE,
MUNDOOR.P.O., THRISSUR-680541.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.

R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE
R1 BY ADV. SRI.K.D.BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 140 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANX.1. COPY OF THE FIR IN CR. NO. 1292/2013 OF THRISSUR WEST
POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.140 of 2015

Dated this the 3rd day of August, 2015

O R D E R

The petitioner herein is the accused in C.C No.4463/2013 of the Judicial First Class Magistrate Court II, Thrissur. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323, 394(3) and 506(2) of the Indian Penal Code on the complaint of one Shyama who is the 1st 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.4463/2013 of the Judicial First Class Magistrate Court II, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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