

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 292 of 2015 ()

**CRIME NO. 8/2015 OF PUTHOOR POLICE STATION, KOLLAM DISTRICT, NOW PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, KOTTARAKARA**

PETITIONER/ACCUSED :

**RENJU, AGED 28 YEARS,
S/O KUNJUMON, THAMARAMVILAMELETHIL VEEDU,
CHUMADUTHANGI, KARICKAL MURI, PAVITHRESWARM VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENTS/STATE & COMPLAINANTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE SUB INSPECTOR OF POLICE,
PUTHOOR POLICE STATION, KOLLAM DISTRICT**
- 3. THANKACHAN, AGED 52 YEARS,
S/O DANIEL, THAMARAMVILA VEEDU, CHUMADUTHANGI,
KARICKAL MURI, PAVITHRESWARAM VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.S. HYMA
R3 BY ADV. SRI.P.V.DILEEP**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 292 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: A TRUE COPY OF THE F.I.R.IN CRIME NO.8 /2015 OF PUTHOOR
POLICE STATION.**

ANNEXURE A2: AFFIDAVIT OF THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No. 292 of 2015

Dated this the 16th day of January, 2015

O R D E R

The petitioner herein is the accused in Crime No.8/2015 of the Puthoor Police Station. 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 294(b), 326 and 447 IPC on the complaint of one Thankachan, who is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. It is submitted that the parties are close relatives and also neighbours. 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.

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, and I am satisfied that the parties are now on quite cordial terms. 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 FIR and further proceedings in Crime No.8/2015 of the Puthoor Police Station, 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.

Sd/-

P. UBAID, JUDGE

sd