

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. 306 of 2015 ()

IN CC 1700/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA

PETITIONER(S)/ACCUSED:

**NOUFAL, AGED 34 YEARS
S/O.ALI, VALLOOR HOUSE, COLONYPADY BHAGAM
ASOKAPURAM KARA, ALUVA EAST VILLAGE.**

BY ADV. SRI.JAISON JOSEPH

RESPONDENT(S)/STATE AND DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
ALUVA POLICE STATION.**
- 2. TOMY VARGHESE, AGED 54 YEARS
S/O.VARGHESE, KANIYODIKKAL HOUSE, NEAR SUKRUTH SADAN
CHUNANGAMVELI KARA, ALUVA EAST VILLAGE-683101.**

**R2 BY ADV. SRI.P.S.APPU
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

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

Crl.MC.No. 306 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : CERTIFIED COPY OF THE FINAL REPORT (CHARGE SHEET) IN
C.C.NO.1700 OF 2010 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT I
ALUVA.**

ANNEXURE A2 : AFFIDAVIT FILED BY RESPONDENT NO.2.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 306 of 2015

Dated this the 16th day of January, 2015.

O R D E R

The petitioner herein is the accused in C.C No. 1700 of 2010 of the Judicial First Class Magistrate Court – I, Aluva. 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 452, 324, 427 and 506(ii) IPC, on the complaint of one Tomy Varghese who is the second 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.

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 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. 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.1700 of 2010 of the Judicial First Class Magistrate's Court-I, Aluva 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

sab