

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Crl.MC.No. 324 of 2015 ()

**CC 102/2012 of J.M.F.C., KATTAPPANA
CRIME NO. 137/2010 OF KATTAPPANA POLICE STATION , IDUKKI**

PETITIONER(S)/ACCUSED:

**T.B.SHAJI
S/O.BHASKARAN, THEVARKUNNEL HOUSE, AMBALA KAVALA DESOM
KATTAPPANA VILLAGE, IDUKKI DISTRICT.**

**BY ADVS.SRI.M.R.VENUGOPAL
SMT.DHANYA P.ASHOKAN**

RESPONDENT(S):

**1. STATE OF KERALA
(CRIME NO.137/2010 OF KATTAPPANA POLICE STATION
IDUKKI DISTRICT)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

**2. KERALA ROADWAYS (P) LTD
K.R.S.PLAZA, 1ST FLOOR, 17/66A
INDIRAGANDHI ROAD, KOZHIZKODE
REPRESENTED BY ITS MANAGER (GMC), SRI.SAJI.K.S.**

**R2 BY ADV. SRI.S.B.PREMACHANDRA PRABHU
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-01-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Imp

Crl.MC.No. 324 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I. CERTIFIED COPY OF THE PRIVATE COMPLAINT DATED 25/2/2010 FILED BY THE 2ND RESPONDENT

ANNEXURE-II. CERTIFIED COPY OF THE FIR DATED 1/3/2010 IN CRIME NO.137/2010 OF KATTAPPANA POLICE STATION.

ANNEXURE-III. CERTIFIED COPY OF THE FINAL REPORT DATED 14/2/2012 OF KATTAPPANA POLICE STATION.

ANNEXURE-IV. AFFIDAVIT DATED 13/1/2015 SWORN INTO THE DEFACTO COMPLAINANT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

Imp

P.UBAID, J.

Crl.M.C No.324 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.137 of 2010 of the Judicial First Class Magistrate Court, Kattappana. 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 409 and 420 IPC, on the complaint of the Manager of Kerala Roadways (P) Ltd., 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. 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 prosecution against the petitioner herein in C.C.No.137/2010 of the Judicial First Class Magistrate's Court, Kattappana 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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