

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Crl.MC.No. 367 of 2015

IN C.C. NO.948/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
XI, THIRUVANANDAPURAM

CRIME NO. 1432/2014 OF PEROORKADA POLICE STATION,
THIRUVANANDAPURAM

PETITIONER/PETITIONER:

SREEJITH, AGED 29 YEARS,
S/O.RAMASWAMY,
USHA BHAVAN (PUTHUVALPUTHEN VEEDU),
ADUPPUKOOTTAAN PARA,
IRUTHUMMOOLA WARD, PEROORKKADA VILLAGE
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS/STATE,DEFACTO COMPLAINANT:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM
2. SANTHOSH @ ANAND, AGED 24 YEARS,
S/O.THULASI, 513, SANTHOSH BHAVAN, THURUTHIMoola,
VATTIYOORKKAVU, THIRUVANANTHAPURAM DIST.

R2 BY ADV. SRI.LOWEL CHERIAN
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 367 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1:- COPY OF THE FINAL REPORT IN CRIME NO 1432/2014 OF
THE PEROORKKADA POLICE STATION, THIRUVANANTHAPURAM DIST.

ANNEXURE A2:- COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.367 of 2015

Dated this the 20th day of January, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.948/2014 of the Judicial First Class Magistrate Court XI, Thiruvananthapuram. 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), 323, 324 and 427 of the Indian Penal Code on the complaint of one Santhosh @ Anand who is the 2nd 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 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 prosecution against the petitioner herein in C.C No.948/2014 before the Judicial First Class Magistrate Court XI, Thiruvananthapuram 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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