

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 386 of 2015 ()

**IN CC 603/2014 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR
CRIME NO. 1279/2014 OF TOWN EAST POLICE STATION , TRISSUR**

PETITIONER(S)/ACCUSED:

1. INTEGRON PHARMA PVT. LTD.,
"SREYAS", T.M.C.37/892, THOTTAKKATTIL LANE
POOMKUNNAM, THRISSUR, REP. BY MANAGING DIRECTOR
PRASAD SIVADAS, RAMAVILAS, KARALMANNA P.O.
PALAKKAD-679 506.
2. PRASAD SIVADAS, AGED 38 YEARS
RAMAVILAS, KARALMANNA P.O., PALAKKAD-679 506.
3. SALIM, AGED 33 YEARS
THANIYAN HOUSE, KARUVAMBRAM P.O., MANCHERRY
MALAPPURAM DISTRICT-676 123.
4. VISHNU PRABHAKAR, AGED 28 YEARS
"VISHNU PRIYA", MADAMBIL LANE, WADAKKANANCHERRY P.O.
THRISSUR-680 582.
5. RIJO VARGHESE, AGED 33 YEARS
KIZHAKKEPEEDIKA HOUSE, KUNDANNOOR P.O.
THRISSUR DISTRICT-680 590.
6. SHANOJ, AGED 38 YEARS
KARUMARATH HOUSE, "SREEKRIPA", EALAMPARA P.O.
KANNUR DISTRICT-670 595.
7. JASMIN FAISAL, AGED 38 YEARS
SHAFI MANZIL, AMALAGIRI P.O.
KOTTAYAM-686 561. (NOW RESIDING AT THIRUR)
8. JAYASREE NARAYANAN, AGED 45 YEARS
"SOUPARNIKA", SUKAPURAM P.O., EDAPPAL
MALAPPURAM DISTRICT-679 576.

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**9. SAJI, AGED 35 YEARS
"SREYAS", T.M.C.37/892, THOTTAKKATTIL LANE
POOMKUNNAM, THRISSUR-680 002.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

**1. SHAJI,
S/O.SUKUMARAN, THAMBIYATH PUTHENVEETIL
PATTITHARA VILLAGE, KUTTANADU P.O., PALAKKAD-679 533.**

**2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.**

**R1 BY ADV. SRI.M.REVIKRISHNAN
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A : CERTIFIED COPY OF FIR IN CRIME NO.1279/2014 OF THRISSUR TOWN
EAST POLICE STATION, THRISSUR.**

**ANNEXURE B : CERTIFIED COPY OF THE CHARGE SHEET FILED BY THE POLLICE IN
CRIME 1279/2014 OF THRISSUR TOWN EAST POLICE STATION, THRISSUR.**

**ANNEXURE C : TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE 1ST
RESPONDENT AND THE ACCUSED.**

ANNEXURE D : AN AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

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Dated this the 21st day of January, 2015.

O R D E R

The petitioners herein are the accused in C.C No. 603/2014 of the Judicial First Class Magistrate Court, Thrissur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 120(B), 419, 420, 465, 466, 467, 468 and 471 r/w 34 IPC, on the complaint of one Shaji who is the first 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 petitioners herein in C.C No.603/2014 of the Judicial First Class Magistrate's Court, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab