

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. 390 of 2015 ()

**IN CC 912/2013 of ADDITIONAL CHIEF JUDICIAL MAGISTRATE (E&O),ERNAKULAM
CRIME NO. 184/2012 OF ERNAKULAM NORTH POLICE STATION, ERNAKULAM**

PETITIONER(S):

- 1. JAYALAKSHMI AGED 31 YEARS
D/O.KRISHNAN, PADINJETTATHU HOUSE, PERUVARAAM
KOTTUVALLY VILLAGE, N.PARAVUR, PIN 683513.**
- 2. RAJESH AGED 35 YEARS
S/O.SUBRAHMANYAM, VAISHNAVI HOUSE, KALLIYOOR
AIRAAL NAGAR, KAKKAMOOLA, THIRUVANANTHAPURAM.**

BY ADV. SMT.K.M.RASHMI (PARAVOOR)

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. RAGESH KUMAR, AGED 36 YEARS
S/O.RAVEENDRAN NAIR, PALLIPPURAM HOUSE
ADUVASSERY KARA, KUTTIPPUZHA VILLAGE, ALUVA TALUK
PIN 683108.**

**R2 BY ADV. SMT.T.S.MAYA (THIYADIL)
R1 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:**

Crl.MC.No. 390 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE FIR IN CRIME NO.184/2012 OF ERNAKULAM TOWN NORTH POLICE STATION.

ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.912/2013 OF ACJM[EO].

ANNEXURE-A3: TRUE COPY OF THE COMPROMISE AGREEMENT DATED 17.12.2014 BETWEEN 1ST PETITIONER AND THE 2ND RESPONDENT.

ANNEXURE-A4: TRUE COPY OF THE COMPROMISE AGREEMENT DATED 17.12.2014 BETWEEN THE PETITIONERS AND THE 2ND RESPONDENT.

ANNEXURE-A5: TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 390 of 2015

Dated this the 21st day of January, 2015.

O R D E R

The petitioners herein are the two accused in C.C No. 912/2013 of the Additional Chief Judicial Magistrate Court (E.O), Ernakulam. 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 416, 420, 112, 294(b), 506(i) and 34 of IPC, on the complaint of one Ragesh Kumar 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 petitioners herein in C.C No. 912/2013 of the Additional Chief Judicial Magistrate's Court, Ernakulam 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