

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 434 of 2015

**CC 23/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHOTTANIKKARA
CRIME NO. 675/2014 OF AMBALAMEDU POLICE STATION, ERNAKULAM**
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PETITIONER(S)/ACCUSED:

1. DINESH POONIYA, AGED 25 YEARS,
S/O.RAM PRATAP POONIYA, HAMIRWAW VILLAGE, NUA P.O.
JUNJUNHA DISTRICT, RAJASTHAN, PIN 333 041.
2. KAMALA DEVI, AGED 44 YEARS,
W/O.RAM PRATAP POONIYA, HAMIRWAS VILLAGE, NUA P.O.,
JUNJUNHA DISTRICT, RAJASTHAN, PIN 333 041.
3. RAM PRATAP POONIYA, AGED 48 YEARS,
HAMIRWAS VILLAGE, NUA PO, JUNJUNHA DISTRICT,
RAJASTHAN, PIN 333041.

BY ADV. SRI.JITHIN LUKOSE

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

1. NIMESH, AGED 38 YEARS,
S/O.KANNAN, PROPRIETOR KRISHNA KRIPA TRANSPORT,
KOCHERI BUILDING, NEAR HOC LTD, STERLING GAS ROAD,
AMBALAMUGAL P.O., 682 365, ERNAKULAM DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031. (CRIME NO.675/2014 OF AMBALAMEDU POLICE,
STATION IN ERNAKULAM DISTRICT).

R1 BY ADV. SRI.P.SAMSUDIN

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 434 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.675/2014 OF
AMBALAMEDU POLICE STATION.**

**ANNEXURE-A2: TRUE COPY OF THE DEMAND DRAFT NO.543841 DATED 06.01.2015
OF VIJAYA BANK JHUNJHUNU BRANCH RAJASTHAN.**

**ANNEXURE-A3: TRUE COPY OF THE RECEIPT DATED 15.01.2015 ISSUED BY THE
COMPLAINANT TO THE ACCUSED.**

ANNEXURE-A4: THE AFFIDAVIT SWORN IN BY 1ST RESPONDENT DATED 17.01.2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.
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**Crl.M.C No.434 of 2015**  
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Dated this the 22nd January, 2015

ORDER

The petitioners are the three accused in C.C No.23 of 2015 of the Judicial First Class Magistrate's Court, Chottanikkara. 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), 408, 409 and 420 of Indian Penal Code on the complaint of one Nimesh, who is the 1st 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 petitioners herein in C.C No.23 of 2015 of the Judicial First Class Magistrate's Court, Chottanikkara 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.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge