

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 550 of 2015 ()

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CC 335/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG
CRIME NO. 446/2011 OF NILESWARAM POLICE STATION, KASARGOD DISTRICT
=====**

PETITIONER/ACCUSED :

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PRASAD P., AGED 32 YEARS
S/O. LATE RAGHAVAN @ KUTTIYAN
NAMBIYAN THADAM
KURUDIL, BANGALAM, MADIKAI VILLAGE
KASARAGOD DISTRICT.**

BY ADV. SRI.P.K.SUBHASH

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
 - 2. K.RAJEEVAN, AGED 41 YEARS
S/O. K.RAGHAVAN, KURUDIL HOUSE, MADIKAI VILLAGE
BANGALAM, HOSDURG TALUK, KASARAGOD DISTRICT.**
- R2 BY ADV. SRI.A.ARUNKUMAR
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE AI : COPY OF THE FIR IN CRIME NO.446 OF 2011 OF NILESHWAR POLICE STATION.

ANNEXURE AII: COPY OF THE FINAL REPORT IN CRIME NO.446 OF 2011 OF NILESHWAR POLICE STATION.

ANNEXURE AIII: COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF THE ABOVE SAID OFFENCES AND THE SETTLEMENT OF DISPUTES BETWEEN THE PARTIES.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.550 of 2015

Dated this the 2nd day of February, 2015

O R D E R

The petitioner is the sole accused in Crime No.446/2011 of the Nileswaram Police Station of Kasaragod District. 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 341 and 324 IPC read with 34 IPC, on the complaint of one Rajeevan 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 further 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 Crime No.446/2011 of the Nileswaram Police Station of Kasaragod District will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

Sd/-

P. UBAID, JUDGE

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