

**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. 635 of 2015 ()**  
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**IN SC 332/2013 of ADDITIONAL ASSISTANT SESSIONS COURT, IRINJALAKUDA  
CRIME NO. 1243/2012 OF PUDUKKAD POLICE STATION, THRISSUR**

**PETITIONER(S)/ACCUSED:**  
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**MEJO AGED 29 YEARS  
S/O.VARGHESE, UROTHUKARAN HOUSE, KANJUPPADAM DESOM  
THORAVU VILLAGE, THRISSUR DISTRICT.**

**BY ADVS.SRI.NAGARAJ NARAYANAN  
SRI.SAIJO HASSAN  
SRI.BENOJ C AUGUSTIN  
SRI.SEBIN THOMAS  
SRI.VIVEK V. KANNANKERI  
SRI.VISHNU BHUVANENDRAN**

**RESPONDENT(S)/DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE  
PUDUKKADU POLICE STATION, PUDUKKADU  
THRISSUR DISTRICT.**
- 3. PAUL, AGED 50 YEARS  
S/O.JOSEPH, PORATHUR HOUSE, KANNAMBATHUR DESOM  
THORAVU VILLAGE, THRISSUR DISTRICT.**

**R1-2 BY PUBLIC PROSECUTOR SMT. P. MAYA**

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

**APPENDIX**

**PETITIONERS ANNEXURES:**

- I. CERTIFIED COPY OF THE FIRST INFORMATION REPORT DATED 25.03.2014**
- II. TRUE COPY OF THE CHARGE SHEET DATED 13.12.2013 IN S.C NO.332/2013 ON THE FILE OF THE ADIDTIONAL ASSISTANT SESSIONS COURT, IRINJALAKUDA**
- III. TRUE COPY OF THE SETTLEMENT AFFIDAVIT DATED 26.12.2014**

**RESPONDENTS ANNEXURES: NIL**

/TRUE COPY/

PA TO JUDGE  
sab

**P.UBAID, J.**

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**Crl. M.C No. 635 of 2015**  
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Dated this the 2<sup>nd</sup> day of February, 2015.

**O R D E R**

The petitioner herein is the accused in S.C No. 332/2013 of the Additional Assistant Sessions Court, Irinjalakuda. 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 452, 323, 324, 308, 341 and 506(ii) IPC, on the complaint of one Paul who is the third 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. 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. In such a situation, continuance of the prosecution will not serve any purpose, other than wasting the

precious time of the court. I find that Section 308 IPC was incorporated by the police on the basis of some hypothetical Statement. 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 S.C No.332/2013 of the Additional Assistant Sessions Court, Irinjalakuda 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