

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. 646 of 2015 ()

AGAINST CC 585/2002 of J.M.F.C. - I, PARAVUR
CRIME NO. 92/2001 OF NORTH PARUR POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

DINESH LAL AGED 51 YEARS
S/O.SANKARANARAYANAN, VADAKKEKKATTIL HOUSE
ELTHURUTH BHAGOM, SRINGAPURAM KARA, METHALA VILLAGE
KODUNGALLOOR TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.P.V.SREENIJIN
SMT.K.B.SONY

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT-CW1-INJURED:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.
 2. AJITH, AGED 36 YEARS
S/O.MANOCHARAN, CHIRAMMAL HOUSE, NEAR AASAN MAITHANI
VADAKKUMPURAM KARA, CHENDAMANGALAM VILLAGE
ERNAKULAM DISTRICT.
- R2 BY ADV. SRI.M.REVIKRISHNAN
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:

Crl.MC.No. 646 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- THE TRUE COPY OF THE CHARGE SHEET IN CRIME NO.92 OF 2001
OF NORTH PARAVUR POLICE STATION.

ANNEXURE A2- THE AFFIDAVIT DATED 20.01.2015 SWORN BY THE 2ND
RESPONDENT HEREIN.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No.646 of 2014**  
~~~~~  
Dated this the 2nd February, 2015

ORDER

The petitioner herein is the sole accused in L.P. No.38 of 2014 of the Judicial First Class Magistrate's Court-I, North Paravur. 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 Section 324 of Indian Penal Code on the complaint of one Ajith, 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 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 petitioner herein in L.P.No.38 of 2014 of the Judicial First Class Magistrate's Court-I, North Paravur 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.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge