

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Cr1.MC.No. 737 of 2015

IN CC 499/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
ATTINGAL

CRIME NO. 25/2003 OF PALLICKAL POLICE STATION, THIRUVANANDAPURAM

PETITIONER:

SAJEEV
S/O.UBAID, CHARUILA PUTHAN VEEDU,
VALIYAKUNNU MADAVOOR VILLAGE,
THIRUVANANTHAPURAM

BY ADV. SRI.M.R.SARIN

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
2. APPALOS, AGED 40 YEARS,
S/O.ISSAC CHERUVILA PUTHEN VEEDU,
VALIYAKUNNU MADAVOOR VILLAGE,
THIRUVANANTHAPURAM - 695001

R2 BY ADV. SRI.AJAYA KUMAR. G
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 737 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR NO.25/03 OF PALLICKAL POLICE STATION

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.25/03 OF
PALLICKAL POLICE STATION.

ANNEXURE A3: COPY OF THE JUDGMENT IN CC.NO.517/2003 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT -II, ATTINGAL

ANNEXURE A4: STATEMENT SIGNED BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.737 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioner herein is the original 2nd accused in C.C No.517/2003 of the Judicial First Class Magistrate Court I, Attingal. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. The other accused faced trial before the learned Magistrate and obtained a judgment of acquittal on merits, on 22.2.2007. The case against the petitioner herein was split up and refiled as C.C No.146/2007, and now it is pending as C.C No.499/2012 before the trial court. Crime in this case was registered under Sections 143, 147, 149, 323 and 427 of the Indian Penal Code, on the complaint of one Appalos, 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 C.C No.499/2012 of the Judicial First Class Magistrate's Court II, Attingal will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

**P.UBAID
JUDGE**

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