

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937**

**Crl.MC.No. 763 of 2015 ()**  
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**CRIME NO.276/2006 OD ERUMAPETTY POLICE STATION, THRISSUR DISTRICT  
L.P.R.NO.26/2012 IN S.C.NO.776/2009 OF PRINCIPAL ASSISTANT SESSIONS COURT,  
THRISSUR**  
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**PETITIONER/1ST ACCUSED:**  
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**MANOJDAS P.S., AGED 42 YEARS,  
S/O.SUBRAHMANIADAS, PULIKKAL HOUSE,  
KOORKKANCHERY VILLAGE AND DESOM,  
THRISSUR DISTRICT.**

**BY ADV. SRI.P.K.SAJEEV**

**RESPONDENT(S)/COMPLAINANT AND DEFACTO COMPLAINANTS:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DEEPAK, AGED 19 YEARS, S/O.PRABHA,  
KEERIYATTIL HOUSE, THALAKKOTTUKARA DESOM,  
VELOOR VILLAGE. PIN-678 682**
- 3. PRABHA, AGED 47 YEARS,  
W/O.KARTHIKEYAN, KEERIYATTIL HOUSE,  
THALAKKOTTUKARA DESOM, VELOOR VILLAGE.PIN-678 682**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA  
R2 & R3 BY ADV. SRI.P.RAMACHANDRAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

**CRL.M.C.NO.763/2015**

## APPENDIX

**PETITIONER'S ANNEXURES:**

**ANNEX A1 COPY OF THE FINAL REPORT IN CRIME NO.276/2006 OF ERUMAPETTY POLICE STATION, THRISSUR DISTRICT**

**ANNEX A2 COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT**

**ANNEX A3 COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT**

**RESPONDENT'S ANNEXURES:** NIL

**/TRUE COPY/**

**P.A.TO.JUDGE**

**sts**

P. UBAID, J.

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Crl.M.C.No.763 of 2015  
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Dated this the 26<sup>th</sup> day of March, 2015

O R D E R

The petitioner herein is the sole accused in S.C. No.776/2009 of the Principal Assistant Sessions Court, Thrissur. 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 308 and 34 IPC on the complaint of one Deepak, who is the 2<sup>nd</sup> 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. The other victim of offence is the 3<sup>rd</sup> respondent in this proceeding. She has also filed affidavit to the effect that she has settled the whole dispute with the accused and she 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 S.C. No.776/2009 of the Principal Assistant Sessions Court, Thrissur, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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