

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Crl.MC.No. 931 of 2015 ()

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CC 762/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYOLI
CRIME NO. 177/2014 OF MEPPAYUR POLICE STATION, KOZHIKODE
=====**

PETITIONER/ACCUSED:

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JASIL, AGED 19 YEARS
S/O.SALAM, ERUVATT HOUSE
MEPPAYUR (P.O), KOZHIKODE.**

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**
 - 2. VISHNU (MINOR), AGED 17 YEARS
S/O.SAJEEVAN, MARUTHIYATTU CHALIL HOUSE, KARAYAD (P.O)
KOYILANDY, KOZHIKODE, REPRESENTED BY MOTHER SHYJA
W/O.SAJEEVAN, MARUTHIYATTU CHALIL HOUSE, KOYILANDY
KOZHIKODE DISTRICT.**

**R2 BY ADV. SMT.CELINE JOSEPH
R1 BY PUBLIC PROSECUTOR SM. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE-I: TRUE COPY OF THE FIR IN CRIME NO.177/2014 OF THE
 MEPPAYUR POLICE STATION, KOZHIKODE.**
- ANNEXURE-II: CERTIFIED COPY OF THE FINAL REPORT OF CRIME
 NO.177/2014 OF THE MEPPAYUR POLICE STATION, KOZHIKODE.**
- ANNEXURE-III: AFFIDAVIT FILED BY THE 2ND RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.931 of 2015

Dated this the 13th day of February, 2015

O R D E R

The petitioner is the sole accused in C.C.762/2014 of the Judicial First Class Magistrate Court, Payyoli. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the defacto complainant. Crime in this case was registered under Sections 341,294(b) and 323 IPC on the complaint of one Vishnu, 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 C.C.762/2014 of the Judicial First Class Magistrate Court, Payyoli, 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

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