

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 1004 of 2015 ()

AGAINST LPC 130/2006 of J.M.F.C.,PARAPPANANGADI

CRIME NO. 405/2002 OF PARAPPANGADI POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED :

PADMA KUMAR @ MANI AGED 42 YEARS
S/O. DAMODARA KURUP, CHELAKKAT, PULLAT
VALLIKUNNU, PARUTHIKAD, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. GIREESH KUMAR
S/O. APPUKUTTAN, NEDIYAKANDATHIL HOUSE
VALLIKUNNU P.O., MALAPPURAM DISTRICT-679 532.

R2 BY ADV. SRI.JINU JOSEPH
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1004 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS :

ANNEXURE A1 : COPY OF THE FINAL REPORT IN CRIME NO.405/2002 OF
PARAPPANANGADI POLICE STATION.

ANNEXURE A2 : COPY OF THE JUDGMENT IN CRL.APPEAL NO.69/2009
DTD.20.8.2014.

ANNEXURE A3 : AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No.1004 of 2014**  
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Dated this the 18th February, 2015

ORDER

The petitioner herein is the second accused in Crime No.405 of 2002 of Parappanangadi Police Station. The case against the petitioner herein was split up and refiled and it is now pending as L.P.C No.130 of 2006 before the Judicial First Class Magistrate's Court, Parappanangadi. 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, 341, 324 and 308 read with 34 of Indian Penal Code on the complaint of one Gireesh Kumar 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. I find that Section 308 was incorporated by the Police on the basis of a purely hypothetical statement. 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 LPC No.130 of 2007 of the Judicial First Class Magistrate's Court, Parappanangadi will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge