

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Crl.MC.No. 1056 of 2015 ()

AGAINST CC 100/2008 of ADDL.C.J.M., THIRUVANANTHAPURAM
CRIME NO. 270/2006 OF POOJAPPURA POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/PETITIONER/ACCUSED:

RATHEESH
S/O.VASAVAN NAIR, KONATHUKULANGARA MELE PUTHEN VEEDU
ANAND LANE, VATTIYOORKKAVU VILLAGE, THIRUVANANTHAPURAM

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT(S)/RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM – 682 031.
2. GOPINATHAN UNNITHAN
S/O.KUNJURAMAN PILLAI, T C 8/1266/5, CHEPPADU HUSE
MTHRINAGAR, VALIYAVILA, THIRUMALA VILLAGE
PANGODU, THIRUVANANTHAPURAM-695035

R2 BY ADV. SRI.PRASANTH M.P
R2 BY ADV. SRI.PRASANTH M.P
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1056 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1:-CERTIFIED COPY OF THE FIR IN CRIME NO 270/2006 OF
POOJAPPURA POLICE STATION, DTD 17/11/2006

ANNEXURE A2:-CERTIFIED COPY OF THE CHARGE SHEET IN CC NO 100/2008 ON
TH EFILE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM, DTD 16/2/2008

ANNEXURE A3:-AFFIDAVIT SWORN TO THE 2ND RESPONDENT, DTD 31/1/2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1056 of 2014**  
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Dated this the 20th February, 2015

ORDER

The petitioner herein is the sole accused in C.C No.100 of 2008 of the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram. 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 420, 465 and 467 of Indian Penal Code on the complaint of one Gopinathan Unnithan, 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.100 of 2008 of the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram 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