

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No. 1132 of 2015 ()

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CC 281/2010 of ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S COURT, ERNAKULAM
CRIME NO. 23/2006 OF PANANGAD POLICE STATION , ERNAKULAM DISTRICT
=====**

PETITIONER/ACCUSED:

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M.R.SHIBU, AGED 44 YEARS
S/O.M.A.RAJAN, MANAMEL HOUSE, CHOORAKKAD
MARADU P.O., KANAYANNUR TALUK
ERNAKULAM DISTRICT-682304.**

**BY ADVS.DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SRI.S.SIDHARDHAN
SRI.PRATHAP. S.R.K.
SMT.R.UDAYA JYOTHI**

RESPONDENTS/STATE, COMPLAINANT & DE FACTO COMPLAINANT:

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- 1. THE STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.**
 - 2. THE SUB INSPECTOR OF POLICE
PANANGAD POLICE STATION, PANANGAD P.O.
ERNAKULAM-682506.**
 - 3. M.R.VENUGOPALAN, AGED 45 YEARS
S/O.M.A.RAVEENDRAN, MAKKOSSERIL HOUSE, PANANGAD P.O.
ERNAKULAM-682506.**
- R3 BY ADV. SRI.C.P.UDAYABHANU
R1, R2 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRMC NO. 1132/2015

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE I COPY OF THE CHARGE SHET AS SERVED TO THE PETITIONER IN
C.C.NO.281/2010 (CRIME NO.23/2006 OF THE 2ND RESPONDENT)
INCLUDING FIRST INFORMATION STATEMENT AND STATEMENT
RECORDED UNDER SECTION 156(3)**

ANNEXURE II AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT ON 20.02.2015

**ANNEXURE III COPY OF THE DEED OF SETTLEMENT DATED 20.02.2015 EXECUTED
BY THE PETITIONER AND THE 3RD RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1132 of 2015

Dated this the 24th day of February, 2015

O R D E R

The petitioner herein is the sole accused in C.C.No.281/2010 of the Additional Chief Judicial Magistrate's Court, Ernakulam. 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 468, 471 and 420 IPC on the complaint of one Venugopalan, who is the 3rd 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.No.281/2010 of the Additional Chief Judicial Magistrate's Court, Ernakulam, 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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