

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 1164 of 2015

C.C.NO.549/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVUR

PETITIONER(S)/ACCUSED :

**UNNIKRISHNAN, AGED 44 YEARS,
S/O. KUMARAN, PATHIYASSERI HOUSE, CHERAI P.O,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SHAIJAN C.GEORGE
SRI.M.TAJITH
SMT.S.REKHA KUMARI
SMT.SAJITHA GEORGE**

RESPONDENT(S)/STATE/DE-FACTO COMPLAINANT/CW2/CW3 :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. RAJEEV, AGED 51 YEARS,
S/O. BHASKARAN, KUZHUPPILLY HOUSE, MUNAMBAM,
ERNAKULAM DISTRICT-683 515.**
- 3. SHEEJA , AGED 34 YEARS,
D/O. ASOKAN, RESIDING AT PONATH HOUSE,
PERUMALPADI, PIN-683 515.**
- 4. SIVADAS, AGED 52 YEARS,
S/O.KUMARAN, RESIDING AT PATHIYASSERI HOUSE,
CHERAI P.O, ERNAKULAM DISTRICT-683 515.**

**R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 O R4 BY ADV. SRI.C.P.PEETHAMBARAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1 :** CERTIFIED COPY OF THE COMPLAINT DATED 07.08.1998
PREFERRED BY THE 2ND RESPONDENT AND TYPED COPY.
- ANNEXURE 2 :** TRUE COPY OF FIR IN CRIME NO.129/98.
- ANNEXURE 3 :** CERTIFIED COPY OF THE CHARGE IN C.C 549/09 BEFORE
THE JFCM COURT, PARAVUR.
- ANNEXURE 4 :** TRUE COPY OF THE COMMUNICATION INTIMATING
THE STATUS OF THE FIRM M/S. BHARAT KURIES
DATED 16.04.2014.
- ANNEXURE 5 :** THE ORIGINAL OF THE AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT, RAJEEV, EXPRESSING HIS WILLINGNESS TO
SETTLE THE ISSUE AND NO OBJECTION TO QUASH
ANNEXURE 3 CHARGE.
- ANNEXURE 6 :** THE AFFIDAVIT EXECUTED BY MR.SIVADAS, THE BROTHER OF
THE PETITIONER (CW3).
- ANNEXURE 7 :** THE AFFIDAVIT EXECUTED BY SHEEJA, THE NIECE OF
THE PETITIONER (CW2).

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P. UBAID, J.

Crl.M.C.No.1164 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioner herein is the accused in C.C.No.549/2009 of the Judicial First Class Magistrate Court, Paravur. 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 406, 461 and 420 IPC on the complaint of one Rajeev, 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. The other victim of offence are the 3rd and 4th respondents in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 C.C.No.549/2009 of the Judicial First Class Magistrate Court, Paravur, 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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