

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. 1190 of 2015 ()

**IN LPC 242/2011 of JUDL.M.F.C.-I, ERNAKULAM
CRIME NO. 476/2004 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM**

PETITIONER(S):

**C.P.ABDURAHIMAN AGED 44 YEARS
S/O.LATE C.P.MOHAMMED, THOUFEEQ MANZIL
NEAR RAILWAY STATION, PARAPPANANGADI P.O
MALAPPURAM DISTRICT**

BY ADV. SRI.K.SHIBILI NAHA

RESPONDENT(S):

**1. A.S.I. OF POLICE,CENTRAL POLICE STATION, KOCHI
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM PIN 682001**

**2. UNNIKRISHNAN
S/O.VISWANATHA MENON, VRINDAVANAM, CHERUVARATHIL ROAD
PALLIYAKKAVU, TRIPUNITHURA, ERNAKULAM PIN 682001**

**R2 BY ADV. SRI.GOKUL DAS V.V.H.
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P**

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

Crl.MC.No. 1190 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.467/2004 REGISTERED BY THE 1ST RESPONDENT

ANNEXURE B: CERTIFIED COPY OF THE CHARGE SHEET/FINAL REPORT DATED 13.07.2004 IN CRIME NO.476/2004 SUBMITTED BEFORE THE JFCM COURT, ERNAKULAM

ANNEXURE C: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 16.02.2015

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

CrI. M.C No.1190 of 2015

Dated this the 25th day of February, 2015.

O R D E R

The petitioner herein is the accused in Crime No.476 of 2004 of Kochi Central Police Station. His case now stands transferred to the register of long pending cases as L.P No.242 of 2011 before the Judicial First Class Magistrate Court II, 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 507 IPC on the complaint of one Unnikrishnan who is the second 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. 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 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/petitioners herein in L.P No.242 of 2011 of the Judicial First Class Magistrate's Court, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

P.UBAID,
JUDGE