

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No. 1210 of 2015 ()

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CC 2933/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,TRIVANDRUM
CRIME NO. 996/2014 OF POONTHURA POLICE STATION, THIRUVANANDAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED 1 & 2:

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- 1. AZARUDEEN, AGED 21 YEARS
S/O.NOUSHAD, T.C.63/1007, KUZHIYIL VEEDU
MAILANCHI MUKKU, PUTHEN PALLI WARD, MUTTATHARA
THIRUVANANTHAPURAM**
 - 2. SHIJULAL, S/O.RAJA, AGED 29 YEARS
T.C.46/927, PUTHUVAL PUTHEN VEETIL, MANIKKAVILAGAM
MUTTATHARA, THIRUVANANTHAPURAM**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS/STATE, DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGHT COURT OF KERALA, ERNAKULAM-682031**
 - 2. HELEN.C.SIMON, AGED 42 YEARS
D/O.ELIZABETH, RESIDING AT
TC.47/1174, NEW COLONY
POONTHURA WARD, MUTHATHARA VILLAGE
THIRUVANANTHAPURAM DISTRICT-695034**

R2 BY ADV. SRI.LOWEL CHERIAN

R1 BY Sr.PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNX A1- CERTIFIED COPY OF THE FINAL REPORT IN CC.2933/2014 OF THE
JFMC II, THIRUVANANTHAPURAM ARISING FROM CRIME NO.996/2014
OF THE POONTHURA POLICE STATION, THIRUVANANTHAPURAM
DISTRICT**

ANNX A2- TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1210 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C.No.2933/2014 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 406, 420 and 34 IPC, on the complaint of one Helen C. Simon, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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 petitioners herein in C.C.No.2933/2014 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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