

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

CrI.MC.No. 1211 of 2015 ()

CC 125/2014 of ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

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PETITIONER/ACCUSED NO.1:

**VARGHESE ALEX, AGED 42 YEARS
S/O.ALEXANDER P.V., COCHIN METAL A 25, 3H
JEWEL PLAZA, NEAR KALOOR MARKET, ERNAKULAM.**

**BY ADVS.SRI.V.JOHN SEBASTIAN RALPH
SMT.PREETHY KARUNAKARAN
SRI.BIMAL PRASAD
SRI.K.J.JOSEPH (ERNAKULAM)**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
MARADU POLICE STATION
ERNAKULAM, REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM, COCHIN 31.**

**2. ALEXANDER P.V, AGED 68 YEARS
S/O. VARGHESE, PATTARA HOUSE
KANNADIKKADU BHAGOM
KUNDANNUR KARA, MARADU VILLAGE
ERNAKULAM DISTRICT - 682 048.**

**R2 BY ADV. SRI.V.JOHN THOMAS
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

PETITIONER'S EXHIBITS

A1 - CERTIFIED COPY OF THE FINAL REPORT IN CC NO. 125/14.

A2 - AFFIDAVIT FILED BY THE DEFACTO COMPLAINANT/RESPONDENT NO.2.

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.1211 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioner herein is the 1st accused in C.C.No.125/2014 of the Additional Chief Judicial Magistrate Court, Ernakulam. The co-accused is not yet be identified. The petitioner now 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 341, 323, 452 and 506(ii) read with 34 IPC, on the complaint of one Alexander, 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 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.125/2014 of the Additional Chief Judicial Magistrate 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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