

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No.1215 of 2015 ()

CRIME NO. 747/2012 OF ARANMULA POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/ACCUSED :

- 1. SASIDHARAN NAIR, AGED 60 YEARS
NELLIDAMPARAYIL, CHERUKOLE, RANNI TALUK
RANNI.**
- 2. SALINI N.S
D/O. SASIDHARAN NAIR, NELLIDAMPARAYIL, CHERUKOLE
RANNI TALUK, RANNI.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BALAN PILLAI
RAJESH BHAVAN, KIDANGANNOOR,
KOZHENCHERRY TALUK, KOZHENCHERRY.**

**R1 BY PUBLIC PROSECUTOR SMT. P. MAYA
R2 BY ADV. SRI.V.JINACHANDRAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No.1215 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A - COPY OF FIR IN CRIME NO. 747/12 OF ARANMULA POLICE STATION.**
- ANNEXUREB - COPY OF CMP NO. 5620/12 ON THE FILE OF J.F.C.M I PATHANAMTHITTA.**
- ANNEXUREC - COPY OF FINAL REPORT DT. 07.9.12 FILED BY S.I OF POLICE, ARANMULA POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE I PATHANAMTHITTA.**
- ANNEXURED - AFFIDAVIT FILED BY 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

CrL.M.C.No.1215 of 2015

Dated this the 3rd day of March, 2015

ORDER

The petitioners herein are the 1st and the 2nd accused in C.C No.1368/12 of the Judicial First Class Magistrate Court, Pathanamthitta. 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. 451, 380 r/w 34 IPC., on the complaint of one Balan Pillai, 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.

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 petitioners herein in C.C No.1368/12 of the Judicial First Class Magistrate's Court, Pathanamthitta, 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

/TRUE COPY/

PA TO JUDGE

VS