

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 1246 of 2015 ()

AGAINST CC 603/2014 of C.J.M.,THRISSUR
CRIME NO. 1279/2014 OF TOWN EAST POLICE STATION , TRISSUR

PETITIONER/9TH ACCUSED:

RAJU K K AGED 40 YEARS
S/O LATE KUMARAN, KURIAKKOTT VEEDU, PAMBOOR
PUTHUR, THRISSUR DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

1. SHAJI
S/O. SUKUMARAN, THAMBIYATH PUTHENVEETIL
PATTITHARA VILLAGE, KUTTANADU P.O., PALAKKAD-679533.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADV. SRI.M.REVIKRISHNAN
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1246 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF FIR IN CRIME NO.1279/2014 OF THRISSUR TOWN EAST POLICE STATION, THRISSUR.

ANNEXURE B: TRUE COPY OF THE CHARGE SHEET FILED BY THE POLIE IN CRIME 1279/2014 OF THRISSUR TOWN EAST POLICE STATION, THRISSUR.

ANNEXURE C: TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE IST RESPONDENT AND THE ACCUSED.

ANNEXURE D: AN AFFIDAVIT SWORN BY THE IST RESPONDNET.

ANNEXURE E: TRUE COPY OF THRE ORDER DATED 21.1.2015 IN CRL.M.C.386/15 BEFORE THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1246 of 2015**  
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Dated this the 27th February, 2015

ORDER

The petitioner herein is the 9th accused in C.C No.603 of 2014 of the Chief Judicial Magistrate's Court, Thrissur. The case against the others stands quashed by this Court as per the order dated 21.1.2015 in Crl.M.C No.386 of 2015. 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 120(B), 419, 420, 465, 466, 467, 468 and 471 read with 34 of Indian Penal Code on the complaint of one Shaji, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure.

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.

3. In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.603 of 2014 of the Chief Judicial Magistrate's Court 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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/True copy/

P.S to Judge