

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. 1248 of 2015 ()

CRIME NO. 300/2012 OF MALAPPURAM POLICE STATION , MALAPPURAM

PETITIONER(S)/1ST AND 2ND ACCUSED:

1. RENCY
W/O.SIJO JACOB, VAZHEPPARAMBIL HOUSE, KARUVAMBRAM P.O.
MANJERI, MALAPPURAM DISTRICT.
2. JENCY
W/O.SAJI LOOKOSE, VAZHEPPARAMBIL HOUSE
KARUVAMBRAM P.O., MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.K.VIDYASAGAR

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. HARIS
S/O.ABDUL KAREEM, RESIDING AT VALMANNIL HOUSE
KOOMANKULAM, ERNAD TALUK
MALAPPURAM DISTRICT - 676 123.

R2 BY ADV. SRI.P.YADHU KUMAR
R1 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. 1248 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, MANJERI.

ANNEXURE 2: CERTIFIED COPY OF FIR AND FIS IN CRIME NO. 300/2012 OF MANJERI POLICE STATION.

ANNEXURE 3: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 300/2012 OF MANJERI POLICE STATION.

ANNEXURE 4: MEMORANDUM OF EVIDENCE IN CRIME NO. 300/2012 OF MANJERI POLICE STATION.

ANNEXURE 5: AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1248 of 2015**  
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Dated this the 27th February, 2015

ORDER

The petitioners herein are the two accused in C.C No.160 of 2013 of the Chief Judicial Magistrate's Court, Majeri. Now the case against the petitioners stands transferred to the Register of Long Pending Cases as L.P. No.12 of 2014. 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 468, 471 and 420 read with 34 of Indian Penal Code on the complaint of one Haris 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 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 petitioner herein in C.C No.160 of 2013 which stands transferred to the Long Pending Register as L.P. No.12 of 2014 of the Chief Judicial Magistrate's Court, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

**P.UBAID
JUDGE**

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/True copy/

P.S to Judge