

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

CrI.MC.No. 1326 of 2015 ()

-----

AGAINST CC 567/2014 of J.M.F.C.-II, PERINTHALMANNA  
CRIME NO. 242/2014 OF MELATTUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED 1 AND 2:

-----

1. RAMAKRISHNAN AGED 44 YEARS  
S/O.GOPALAKRISHNAN NAIR, ERIYAD HOUSE, CHEMMANTHATTA  
KIZHATTUR POST, PATTIKAD, MALAPPURAM DISTRICT
2. MANIKANDA, S/O.GOPALAKRISHNAN NAIR, AGED 38 YEARS  
ERiyAD HOUSE, CHEMMANTHATTA, KIZHATTUR POST  
PATTIKAD, MALAPPURAM DISTRICT

BY ADV. SRI.T.PRASAD

RESPONDENT(S)/COMPLAINANT & STATE:

-----

1. THE STATION HOUSE OFFICER, MELATTOOR POLICE STATION  
MALAPPURAM DISTRICT THROUGH THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM
2. GOPALAKRISHNAN NAIR, S/O.RAMAN NAIR, ERIYAD HOUSE,  
CHEMMANTHITTA, KIZHATTU POST  
MALAPPURAM DISTRICT. 679325

R2 BY ADV. SRI.A.HAROON RASHEED

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1326 of 2015 ()

-----

APPENDIX

PETITIONER(S)' EXHIBITS

-----

ANNEXURE A1- THE TRUE COPY OF THE FIR IN CRIME NO. 242/2014 OF  
MELATTOOR POLICE STATION, MALAPPURAM

ANNEXURE A2- THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.242/2014  
OF MELATTOOR POLICE STATION, MALAPPURAM

ANNEXURE A3- THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND  
RESPNDENT DATED 03.01.2015

RESPONDENT(S)' EXHIBITS

-----

/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
~~~~~  
**Crl.M.C No.1326 of 2015**  
~~~~~  
**Dated this the 4<sup>th</sup> March 2015**

**ORDER**

The petitioners herein are the two accused in C.C No.5672 of 2014 of the Judicial First Class Magistrate's Court-II, Perinthalmanna. 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 341, 323 and 324 read with 34 of Indian Penal Code on the complaint of one Copalakrishnan Nair who is the 2<sup>nd</sup> 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 petitioners herein in C.C No.567 of 2014 of the Judicial First Class Magistrate's Court-II, Perinthalmanna 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**

ma

/True copy/ P.S to Judge

**P.UBAID  
JUDGE**

ma