

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Cr1.MC.No. 1412 of 2015

AGAINST CC 894/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -II, ERNAKULAM

CRIME NO. 91/2010 OF PALLURUTHY POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED NOS 1 & 2:

1. VIPINDAS, AGED 30 YEARS,
S/O. T.S DAS, THANNIKKAL HOUSE, KALTEX ROAD,
KONAM DEASAM, PALLURUTHY VILLAGE,
ERNAKULAM DISTRICT, PIN 682 006
2. RATHEESH, AGED 28 YEARS,
S/O.THILAKAN, KIZHAKKEKKATTATHARA HOUSE,
KALTEX ROAD
KONAM DEASAM, PALLURUTHY VILLAGE,
ERNAKULAM DISTRICT, PIN 682 006

BY ADV. SRI.P.A.MUJEEB

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, COCHIN 31
2. SURAJ PRADEEP, AGED 35 YEARS,
S/O.SURENDRAN, KODUVELIKKAKATHU HOUSE,
C.K SREEDHARAN ROAD, KONAM, PALLURUTHY,
ERNAKULAM DISTRICT, PIN 682 006

R2 BY ADV. SRI.ANVER BASHEER

R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1412 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE F.I.R IN CRIME NO 91/2010 OF
PALLURUTHY POLICE STATION, ERNAKULAM DISTRICT.

ANNEXURE A2: CERTIFIED COPY OF THE C.C 894/2010 PENDING BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOCHI

ANNEXURE A3: AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/2ND
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1412 of 2015

Dated this the 6th day of March, 2015

O R D E R

The petitioners herein are the accused Nos. 1 and 2 in C.C No.894/2010 of the Judicial First Class Magistrate Court II, Kochi. 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 Section 324 r/w 34 of the Indian Penal Code on the complaint of one Suraj Pradeep 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 petitioners herein in C.C No.894/2010 of the Judicial First Class Magistrate Court II, Kochi will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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