

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Cr1.MC.No. 1418 of 2015

IN CC 1548/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-II, KOCHI

PETITIONERS/ACCUSED NO.1 AND 2:

1. NAZAR,
S/O.KOCHUMHAMMED,
THEVANCHERI PARAMBIL HOUSE,
H.NO.23/1441, THANGAL NAGER, PALLURUTHY.
2. SHAKKIYA,
W/O.NAZAR, THEVANCHERI PARAMBIL HOUSE,
H.NO.23/1441,
THANGAL NAGER, PALLURUTHY.

BY ADV. SRI.M.H.HANIS

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. BABY, AGED 56 YEARS,
W/O.GEORGE, H.NO.14/1287,
THAIKUDATHTHIL HOUSE,
NASRATHTH, RAMESWARAM VILLAGE - 682 001.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1418 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A. THE CERTIFIED COPY OF THE CHARGE SHEET AGAINST THE
PETITIONERS DATED 04.09.2013.

ANNEXURE A. THE CERTIFIED COPY OF THE CHARGE SHEET AGAINST THE
PETITIONERS DATED 30.09.2013

ANNEXURE B. THE ORIGINAL AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1418 of 2015

Dated this the 12th day of March, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1548/2014 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 Sections 448, 506(ii) and 294(b) r/w 334 of the Indian Penal Code on the complaint of one Baby 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.1548/2014 of the Judicial First Class Magistrate Court II, Kochi 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.

**P.UBAID
JUDGE**

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