

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Crl.MC.No. 1439 of 2015 ()

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CC 726/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 44/2012 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT
=====**

PETITIONER/ACCUSED:

**DEVARAJAN.K.A., AGED 66 YEARS
S/O.APPU, KARIMBIL HOUSE, JOSEPH ROAD
KOZHIKODE.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

**1. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031. (CRIME NO.44/2012 OF
PAYYANGADI POLICE STATION, KANNUR DISTRICT).**

**2. PURUSHU B.P., AGED 50 YEARS
S/O.P.P.KUNHIRAMAN, B.P.HOUSE, CHERUTHAZHAM
MANDOOR P.O., KANNUR DISTRICT-670501.**

R1 BY Sr.PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-I: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.44/2012 OF
PAYYANNUR POLICE STATION WHICH IS PENDING AS CC NO.726/2013
ON THE FILE OF THE JUDICIAL MAGISTRATE OF FIRST CLASS,
PAYYANNUR.**

ANNEXURE-II: AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED 26.03.2012.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1439 of 2015

Dated this the 9th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C.No 726 of 2013 of the Judicial First Class Magistrate Court, Payyannur. He 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 Section 420 IPC on the complaint of one Purushu, 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings 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 726 of 2013 of the Judicial First Class Magistrate Court, Payyannur, 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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