

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. 1449 of 2015 ()

CRIME NO. 1502/2014 OF MUVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED NO.1:

**PRATHEESH, AGED 32 YEARS,
KANAKKUZHIYIL HOUSE, MUDAVOOR P.O.,
MUVATTUPUZHA, ERNAKULAM DISTRICT.**

**BY DR.K.P.SATHEESAN(SENIOR ADVOCATE)
ADVS. SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. SUB INSPECTOR OF POLICE,
MUVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT.**
- 3. ANIL KUMAR, S/O.RAJU KUMAR,
ANAKKAMUGAL, MUVATTUPUZHA TALUK,
KIZHAKKEKKARA, ERNAKULAM DISTRICT.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R3 BY ADV.SRI.R.SREEHARI**

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

sts

Crl.MC.No. 1449 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX.I - CERTIFIED COPY OF THE FIR IN CRIME NO.1502/2014 ON THE FILE OF
MUVATTUPUZHA POLICE STATION**

**ANNEX.II - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1502/2014
DATED 28-10-2014**

**ANNEX.III - TRUE COPY OF AGREEMENT ENTERED UPON BETWEEN THE
PETITIONER AND THE DEFACTO COMPLAINANT DATED 29-1-2015**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.UBAID, J.

Crl. M.C No.1449 of 2015

Dated this the 9th day of March, 2015.

O R D E R

The petitioner herein is the first accused in C.C No.147 of 2015 of the Judicial First Class Magistrate Court, Muvattupuzha. 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 Sections 420 r/w 34 of IPC on the complaint of one Anil Kumar who is the third 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. 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 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.147 of 2015 of the Judicial First Class Magistrate Court 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.

P.UBAID,
JUDGE