

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. 1460 of 2015 ()

SC. NO.253/2014 OF PRINCIPAL SESSIONS COURT, ERNAKULAM.

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PETITIONER(S):

**SHAN DAS, AGED 30 YEARS,
S/O.MOHANDAS, PODIMANNIL (H), NISHABHAVAN,
KODIMANNIL BHAGAM, ATHIRUNGAL P.O.,
KALINJOOR PANCHAYATH, KUDAL VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.R.ROHITH.

RESPONDENTS:-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. MIDHUN LAL, AGED 25 YEARS,
S/O.KUNJIKANNAN, THARAVATTATH (H),
POOLAKKOL P.O., CHALLIYATH, KOZHIKODE.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.
R2 BY ADV. SRI.SAYED MURTHALA THANGAL**

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1. A TRUE COPY OF THE FINAL REPORT DATED 30.09.2013
SUBMITTED BEFORE THE HON'BLE JUDICIAL FIRST CLASS
MAGISTRATE COURT- II, ERNAKULAM.**

**ANNEXURE A2. A TRUE COPY OF THE AFFIDAVIT SWORN BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.UBAID, J.

Crl. M.C No.1460 of 2015

Dated this the 9th day of March, 2015.

O R D E R

The petitioner herein is the accused in S.C No.253 of 2014 of the Principal Sessions Court (Special Court), Ernakulam. 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 341, 323, 294(b), 506(ii) of IPC and under Section 3(1) (x) of SC / ST (Prevention of Atrocities) Act on the complaint of one Midhun Lal who is the second 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. On a perusal of the final report I find that what is alleged is a mere abuse on personal grounds. The final report is not definite and it does not contain definite materials showing abuse or humiliation on the ground of caste. Anyway, the parties have come to terms amicably.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.253 of 2014 of the Principal Sessions Court, Ernakulam 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

sab