

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 1560 of 2015

**L.P.NO.30/2013 IN C.C.NO.169/2011 OF CHIEF JUDICIAL MAGISTRATE, PALAKKAD.
CRIME NO. 198/2010 OF TOWN NORTH POLICE STATION, PALAKKAD.**
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PETITIONER/ACCUSED:

**SHAMSUDHEEN, AGED 27 YEARS,
S/O.ABDUL REHMAN, H.NO.4/172,
PALACKAL PARAMBIL VEEDU,
PEROOR, PATHIRIPPALA, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/DEFACTO COMPLAINANT/CW1 AND STATE:

- 1. MANOJ KURIAN, AGED 45 YEARS,
S/O.LATE C.K.KURIAN, CHEERAMATTAM HOUSE,
CHUNGATHARA P.O., NILAMBUR, MALAPPURAM.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.P.M.RAFIQ
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A-** CERTIFIED COPY OF THE F.I.R NO.198/2010 OF TOWN NORTH POLICE STATION, PALAKKAD ALONG WITH COPY OF THE PRIVATE COMPLAINT.
- ANNEXURE B-** THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 198/2010 OF PALAKKAD TOWN NORTH POLICE STATION IN PALAKKAD DISTRICT IN L.P. NO.30/2013 IN C.C.NO.169/2011 OF CHIEF JUDICIAL MAGISTRATE, PALAKKAD.
- ANNEXURE C-** AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

RESPONDENT(S)' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P. UBAID, J.

Crl.M.C.No.1560 of 2015

Dated this the 11th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C. No.169/2011 of the Chief Judicial Magistrate Court, Palakkad. The case stands transferred to the register of long pending cases as L.P.No.30/2013. 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 381 IPC on the complaint of one Manoj Kurian, who is the 1st 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 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 L.P.No.30/2013 of the Chief Judicial Magistrate Court, Palakkad, will stand quashed under Section 482 of the Code of Criminal Procedure. the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

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