

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

CrI.MC.No. 1612 of 2015 ()

IN CC 1810/2014 of J.M.F.C.-I,HOSDRUG

PETITIONER(S)/PETITIONER/ACCUSED:

**RAGHAVAN AGED 51 YEARS
S/O KUNJIKANNAN, NATHAN VALAPPU, KALLOORAVI
KANHANGAD P.O., HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

**RESPONDENT(S)/RESPONDENTS/STATE OF KERALA & DEFACTO COMPLAINANT
(INJURED CWS1):**

**1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER
HOSDURG POLICE STATION (CRIME NO.1285/2013)
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031**

**2. VINU P.V., AGED 38 YEARS
S/O KOTTAN, R/AT KALLOORAVI HOUSE, KANHANGAD SOUTH
KANHANGAD VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**

**R2 BY ADV. KUM.K.SASIKALA
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1612 of 2015 ()

APPENDIX

PETITIONER ANNEXURES:

A1: THE TRUE COPY OF THE FIR AND FI STATEMENT DATED 26.10.2013 IN CRIME NO.1285 OF 2013 OF HOSDURG POLICE STATION

A2: TRUE COPY OF THE FINAL REPORT DATED 30.11.2013 IN CRIME NO.1285 OF 2013 AS NUMBERED AS C.C NO.1810 OF 2014 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG.

A3: THE TRUE COPY OF THE AFFIDAVIT DATED 06.03.2015 SIGNED BEFORE AN ADVOCATE NOTARY BY THE 2ND RESPONDENT / DE FACTO COMPLAINANT

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1612 of 2015

Dated this the 13th day of March, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No.1810 of 2014 of the Judicial First Class Magistrate Court-I, Hosdurg. 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 and 324 of IPC on the complaint of one Vinu 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.1810 of 2014 of the Judicial First Class Magistrate Court-I, Hosdurg 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