

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1730 of 2015 ()

**CC.NO. 883/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -III,TRIVANDRUM
CRIME NO. 479/2014 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM**

PETITIONER/ACCUSED :

**AMRITHLAL A.V., AGED 26 YEARS,S/O.VIJAYAKUMAR,
TC 2/358, CHILDREN'S WORLD, DEVASWOM BOARD PIPELINE ROAD,
NANDANCODE WARD, KAWDIAR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.A.K.GOPALAN

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. JOTHIBASU, S/O.NADASEN, AGED 50 YEARS,
OVBRA 76, LENIN NAGAR, PALAYAM WARD, THYCAUD VILLAGE,
THIRUVANANTHAPURAM-695 014.**

**R1 BY SR PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P.
R2 BY ADV. SRI.B.JAYASURYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

CRMC.NO.1730/2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A1** **CERTIFIED COPY OF THE FIR IN CRIME NO.479/2014 OF MUSEUM
POLICE STATION, THIRUVANANTHAPURAM**
- ANNEX A2** **CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.883/2014 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-III,
THIRUVANANTHAPURAM.**
- ANNEX A3** **COPY OF THE AFFIDAVIT DATED 7/3/2015 SWORN BY THE 2ND
RESPONDENT.**

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO.JUDGE

sts

P.UBAID, J.
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**Crl.M.C No.1730 of 2015**  
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Dated this the 18th March 2015

ORDER

The petitioner herein is the sole accused in C.C No.883 of 2014 of the Judicial First Class Magistrate's Court-III, Thiruvananthapuram. He seeks orders quashing the prosecution under Sections 254(b), 452 and 324 I.P.C on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered on the complaint of one Jothibasu, 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 the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the

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 petitioner herein in C.C No.883 of 2014 of the Judicial First Class Magistrate's Court-III, Thiruvananthapuram 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**

ma

/True copy/

P.S to Judge