

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 2004 of 2015 ()

AGAINST CC 223/2011 of ADDL.C.J.M., ERNAKULAM

PETITIONER(S):

MEENAKSHI SUNDARAM AGED 34 YEARS,
S/O.JAGADEESAN,
HOUSE NO.94, TSV KOVIL STREET,
MYLAPORE, CHENNAI.

BY ADVS.SRI.P.L.BABU
SRI.PRAMOD J.DEV

RESPONDENT(S):

1. THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULA 682 031.
2. THOMAS KURUVILA, S/O.K.KURUVILA,
RESIDIING IN HOUSE NO.9,
EDAVAKKAM TANK ROAD, AYNAVARAM DESOM,
CHENNAI, TAMIL NADU,
WORKING AS THE CHIEF EXECUTIVE OFFICER,
INDUS MOTOR COMPANY PVT. LTD,
M.G.ROAD, THEVARA,
ERNAKULAM DISTRICT 682 016.
3. ABDUL WAHAB,
S/O.SAIDU MUHAMMED,
MANATH KUTTIKKAD VEEDU,
MOOLEPPADAM RTOAD, VAZHAKKALA,
ERNAKULAM DISTRICT - 682 021.

R2-3 BY ADV. SRI.MANUEL KACHIRAMATTAM
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-
03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2004 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-I: TRUE COPY OF THE FIRST INFORMATION REPORT IN C.C.223 OF 2011 ON THE FILES OF THE HON'BLE ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S COURT, ERNAKULAM.

ANNEXURE-II: TRUE COPY OF THE FINAL REPORT IN C.C. 223 OF 2011 ON THE FILES OF THE HON'BLE ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S COURT, ERNAKULAM.

ANNEXURE III: AFFIDAVIT SUBMITTED BY THE 2ND RESPONDENT

ANNEXURE IV: AFFIDAVIT SUBMITTED BY THE 3RD RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2004 of 2015**  
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Dated this the 26th March, 2015

ORDER

The petitioner herein is the accused in C.C No.223 of 2011 of the Additional Chief Judicial Magistrate's 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 465 and 468 of the Indian Penal Code and also under Section 66 (A) and (D) of the Information Technology Act on the complaint of one Abdul Vahab, who is the 3rd 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. The other victim of offence is the 2nd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the

whole dispute with the accused, and he has no grievance or complaint now.

3. 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.223 of 2011 of the

Additional Chief Judicial Magistrate's 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.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge