

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 2021 of 2015 ()

CC. NO.713/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-V, KOZHIKODE

PETITIONER/ACCUSED :

**VINOD KUMAR K.,
S/O.BHASKARAN, C/O.HASSAN HAJI,
MEKKARA PARAMBA, MEDICAL COLLEGE, CALICUT
NOW RESIDING AT SJUA NIVAS (KATTUSSERY HOUSE)
VALAYANAD AMSOM, KOMMERI DESOM, MANATHAZHAM.**

BY ADV. SMT.V.P.SATHI

RESPONDENTS/DEFACTO COMPLAINANT & STATE :

**1. M.BASHEER
S/O.HASSAN, MANAPPATTIL HOUSE,
PANTHEERANKAVU AMSOM, DESOM,
PANTHEERANKAVU P.O., KOZHIKODE - 673 019.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 682 031.**

R1 BY ADV. SMT.O.V.BINDU

R2 BY SR. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 2021 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE I.** **COPY OF THE COMPLAINT FILED BY THE 1ST RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT- V,
KOZHIKODE DATED 29.06.05.**
- ANNEXURE II.** **COPY OF THE FIR IN CRIME NO.169/05 DATED 16.7.05 OF THE
NALLALAM POLICE STATION.**
- ANNEXURE III.** **COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT
DATED 17.02.15.**

RESPONDENT(S)' EXHIBITS : **NIL**

//TRUE COPY//

P.A. TO JUDGE

Mn

P. UBAID, J.

Crl.M.C.No.2021 of 2015

Dated this the 27th day of March, 2015

O R D E R

The petitioner herein is the sole accused in C.C.No.713/2011 of the Judicial First Class Magistrate Court-V, Kozhikode. 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, 468, 471 and 420 IPC on the complaint of one Basheer, 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 the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further 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 petitioners herein in C.C.No.713/2011 of the Judicial First Class Magistrate Court-V, Kozhikode 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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