

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

CrI.MC.No. 2152 of 2015 ()

**IN CC 339/2014 of J.M.F.C.,THIRUVALLA
CRIME NO. 955/2013 OF KEEZHVAIPUR POLICE STATION , PATHANAMTHITTA**

PETITIONER(S)/PETITIONER/ACCUSED:

**GOPU S.NAIR AGED 22 YEARS
S/O SANTHOSH KUMAR, PULICAKAPATHALIL HOUSE
EZHUMATTOOR P.O., MALLAPPALLY, PATHANAMTHITTA.**

BY ADV. SRI.S.KRISHNALAL

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

**1. PHILIP G.KANNAMALA
KANNAMALA HOUSE, MANTHANAM P.O., KUNNANTHANAM
PATHANAMTHITTA DISTRICT 686561.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2152 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF FIR IN CC NO.339/2014 OF THE JUDICIAL
MAGISTRATES COURT, THIRUVALLA DATED 02.09.2013**

ANNEXURE B: CERTIFIED COPY OF THE WOUND CERTIFICATE DATED 02.09.2013

**ANNEXURE C: CERTIFIED COPY OF THE FINAL REPORT IN C.C No.339 / 2014 ON THE
FILE OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, THIRUVALLA,
DATED 02.09.2013**

**ANNEXURE D: AFFIDAVIT SWORN BY THE DE-FACTO COMPLAINANT DATED
20.02.2015**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.2152 of 2015

Dated this the 1st day of April, 2015.

O R D E R

The petitioner herein is the accused in C.C No.339 of 2014 of the Judicial First Class Magistrate Court, Thiruvalla. 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 294(b), 341, 323 and 427 of IPC on the complaint of one Philip G. Kannamala who is the first 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 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. The counter case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.339 of 2014 of the Judicial First Class Magistrate Court, Thiruvalla 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