

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

CrI.MC.No. 2393 of 2015 ()

CRIME NO. 827/2013 OF VAKATHANAM POLICE STATION, KOTTAYAM DISTRICT

PETITIONERS/ACCUSED NOS.1 & 2:

- 1. YOHANNAN, AGED 40 YEARS
S/O.THANKACHAN, MURUPPEL HOUSE, KAAZHUTHURUTTY
ARYANKAVU VILLAGE, KOLLAM DISTRICT.**
- 2. GIRISHKUMAR, AGED 40 YEARS
S/O.GOPALAKRISHNAN NAIR, MAJESTIC HOUSE
PARIYARAM P.O., VAKATHANAM VILLAGE, CHANGANASSERY
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.V.SREEJA**

RESPONDENTS/STATE:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. SHAMSUDEEN, AGED 32 YEARS
S/O.MAITHUPPU, CHELLY HOUSE, KOTTOPADAM AMSAM DESAM
MANNARCADU TALUK, PALAKKADU-678583.**

**R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.
R2 BY SRI.K.T.THOMAS (KANNAMPALLIL)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A1: A TRUE COPY OF THE FIR IN CRIME NO.827 OF 2013 DATED
16.12.2013.**

ANNEXURE-A2:A TRUE COPY OF THE FINAL REPORT DATED 20.06.2014.

**ANNEXURE-A3:A TRUE COPY OF THE AFFIDAVIT SIGNED BY THE 2ND RESPONDENT
AND DULY ATTESTED BY THE NOTARY.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.2393 of 2015

Dated this the 10th day of April, 2015

O R D E R

The petitioners herein are the two accused in C.C. No.736/2014 of the Judicial First Class Magistrate Court-I, Changanassery. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Section 420 read with 34 IPC, on the complaint of one Shamsuden, 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 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.736/2014 of the Judicial First Class Magistrate Court-I, Changanassery will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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