

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

Crl.MC.No. 2459 of 2015 ()

AGAINST CC 93/2009 of J.M.F.C.-I,PATHANAMTHITTA
CRIME NO. 1070/2008 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED:

RAJEEV AGED 40 YEARS
S/O.BALAKRISHNAPILLAI,
RAJIVILASAM,
MANJALLOR MURI,
PATHANAPURAM VILLAGE,
PATHANAMTHITTA DISTRICT -689 691.

BY ADV. SRI.AJEESH K.SASI

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

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1. SANAL, AGED 36 YEARS,
S/O.VELAYUDHAN,
CHUTTIPPARAVADAKKECHERUVIL,
KULASEKHARAPETTA MURI,
PATHANAMTHITTA VILLAGE,
KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT – 689 646.
 2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM – 682 031.

R1 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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

Crl.MC.No. 2459 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1070 OF
2008 OF PATHANAMTHITTA POLICE STATION

ANNEXURE B: THE AFFIDAVIT SWORN IN BY THE DE FACTO COMPLAINANT
(CW1)/1ST RESPONDENT SIGNIFYING THE FACTUM OF SETTLEMENT
COMPOSITION OF THE DISPUTES WITH THE PETITIONERS

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2459 of 2015**  
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Dated this the 10th April, 2015

ORDER

The petitioner herein is the accused in C.C No.93 of 2009 of the Judicial First Class Magistrate Court-I, Pathanamthitta. 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), 323 and 324 of Indian Penal Code on the complaint of one Sanal, 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 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.93 of 2009 of the Judicial First Class Magistrate's Court-I, Pathanamthitta will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge