

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 2538 of 2015 ()

**CC.NO. 73/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, ERNAKULAM
CRIME NO. 2387/2014 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM**

PETITIONER/ACCUSED:

**PAUL KOORAN JOHN,S/O K.C. JOHN, AGED 46 YEARS,
KOORAN THAZHATHU PARAMBIL,
PULIYANAM P.O, . ANGAMALY -683 572**

BY ADV. SMT.MEREENA JOSEPH

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTD BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031,
ON BEHALF OF SUB-INSPECTOR OF POLICE,
CENTRAL POLICE STATION.**
- 2. BINDU SAJI, AGED 40 YEARS,
W/O SAJI VARGHESE, MALAYIDAN VEEDU, KOLLAM KUDIMUKAL,
BHARATH MATHA COLLEGE, THRIKKAKARA NORTH VILLAGE,
ERNAKULAM.**

**R1 BY PUBLIC PROSECUTOR SMT. V.H.JASMINE
R2 BY ADV. SRI.B.RAMACHANDRAN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

Crl.MC.No. 2538 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1- CERTIFIED COPY OF THE CHARGE SHEET IN C.C. NO. 73/2015 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
ERNAKULAM.**

**ANNEX A2- TRUE COPY OF THE F.I.R IN CRIME NO.2387/14 OF CENTRAL POLICE
STATION, ERNAKULAM**

ANNEX A3- AFFIDAVIT SWORN BY THE 2ND RESPONDENT

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

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

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Crl.M.C.No.2538 of 2015

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Dated this the 18th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.73 of 2015 of the Judicial First Class Magistrate Court-II, 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 354 and 500 of the Indian Penal Code on the complaint of one Bindu Saji, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she 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 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 fact cognizance under Section 500 IPC on police report is barred under the law.

3. It is submitted that complaint in fact happened to be made on some misapprehension. The victim's affidavit satisfies the Court that the whole dispute stands resolved. A connected case also stands quashed by this Court as per order in Crl.M.C.2527 of 2015.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.73 of 2015 of the Judicial First Class Magistrate Court-II, 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

rkj

//TRUE COPY//

P.A. TO JUDGE