

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2646 of 2015

**C.C.NO.422/2010 PENDING AS L.P.NO.33/2013 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-1, CHANGANASSERRY**

PETITIONER(S)/ACCUSED :

**RAJESH, AGED 35 YEARS,
S/O.RAJU , VALLYAPARAMBIL HOUSE,
AMBALAVAYAL, VAYANAD.**

BY ADV. SRI.T.P.PRADEEP

RESPONDENT(S)/STATE & CW1 TO 3 :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. KANAKAMMA, AGED 49 YEARS,
W/O.VIDYADHARAN, PUTHUPARAMBIL HOUSE, THURUTHY KARA,
VAZHAPPALLY PADINJARU VILLAGE.**
- 3. AJITH, AGED 22 YEARS,
S/O.SUNIL, PUTHUPARAMBIL HOUSE, THURUTHY KARA,
VAZHAPPALLY PADINJARU VILLAGE.**
- 4. SANGEETHA, AGED 22 YEARS,
D/O.VIDYADHARAN, PUTHUPARAMBIL HOUSE, THURUTHY KARA,
VAZHAPPALLY PADINJARU VILLAGE.**

**R1 BY SR.PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI
R2 TO R4 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** TRUE COPY OF THE CHARGE SHEET IN L.P.NO.33/2013 ON THE FILE OF JFCM COURT-1, CHANGANASSERRY.
- ANNEXURE B:** TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.
- ANNEXURE C:** TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.
- ANNEXURE D:** TRUE COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl. M.C No. 2646 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No. 422 of 2010 of the Judicial First Class Magistrate Court-I, Changanasserry, now pending as L.P No.33 of 2013. 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 452, 323, 506(ii) and 294(b) of IPC on the complaint of one Kanakamma who is the second 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. The other persons who sustained injuries in the alleged incident are the respondents 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they

have 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 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 petitioner herein in L.P No.33 of 2013 of the Judicial First Class Magistrate's Court-I, Changanasserry will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE