

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. 2648 of 2015

CC 223/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ERNAKULAM

CRIME NO.45/2014 OF RAILWAY POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED NO.1:

**ASLAM, S/O.MUHAMMAD,
AGED 31 YEARS, KOLLARAYIL HOUSE, KOLALAMBU P.O.,
EDAPPAL VIA, NEAR GOVT. UPS, MALAPPURAM.**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. ARAVINDAKSHAN, S/O.PALANI,
MATTUKADU HOUSE, KUZHALMANDAM VILLAGE,
PALAKKADU - 678 104.**
- 3. KOMALAM, W/O.PALANI,
MATTUKADU HOUSE, KUZHALMANDAM VILLAGE,
PALAKKADU - 678 104.**

**R1 BY SENIOR PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI
R2-R3 BY ADV. SRI.T.P.PRADEEP**

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNX.A1 - TRUE COPY OF THE FIR NO.45/2014 OF RAILWAY POLICE WITH THE COMPLAINT OF THE 2ND RESPONDENT.

ANNX.A2 - TRUE COPY OF THE FINAL REPORT ALONG WITH THE MEMO OF EVIDENCE IN CRIME NO.45/14 OF RAILWAY POLICE STATION, ERNAKULAM WHICH IS NOW PENDING AS CC NO.223/2014 ON THE FILE OF THE JFCM COURT-I, ERNAKULAM.

ANNX.A3 - TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNX.A4 - TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNX.A5 - TRUE COPY OF THE ORDER DATED 11.2.2015 IN CRL.M.C.NO.215/2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.

Crl. M.C No.2648 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the accused in C.C No. 223 of 2014 of the Judicial First Class Magistrate Court-I, Ernakulam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Cognizance on final report was taken under Sections 354 of IPC on the first information statement given by one Aravindakshan who is the second 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. The victim of offence is the third respondent herein. She has also 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 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. On a perusal of the materials, I find that complaint in fact happened to be made on some misapprehension.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No. 223 of 2014 of the Judicial First Class Magistrate Court-I, 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