

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No.2751 of 2015

**CC NO.461/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I,
KARUNAGAPPALLY.
CRIME NO.159/2012 OF OCHIRA POLICE STATION,KOLLAM.**

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PETITIONER'S/ACCUSED:

**PRASAD,S/O.JAYADEVAN,AGED 36 YEARS,
MEENATHERIL VEEEDU,MEMANA MURI,
OACHIRA VILLAGE,KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT'S/DE-FACTO COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
OACHIRA POLICE STATION,THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF EKRALA-682031.**
- 2. YESODHARAN,S/O.MATHU,AGED 59 YEARS,SANNIDHI,
MEMANA MURI,OACHIRA VILLAGE,KOLLAM DISTRICT-691371.**

**R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB
R2 BY ADV.SRI.N.ANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

CrI.MC.No.2751 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1:THE COPY OF FIR IN CRIME NO.159/2012 OF OACHIRA POLICE STATION.

ANNEXURE 2:A COPY OF FINAL REPORT SUBMITTED BEFORE THE JFMC,KARUNAGAPPALLY IN CRIME NO.159/2012 OF OACHIRA POLICE STATION.

ANNEXURE 3:THE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING COMPROMISE DATED 30-04-2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.

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**Crl.M.C No.2751 of 2015**

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Dated this the 15th day of May, 2015

ORDER

The petitioner herein is the sole accused in C.C No.461 of 2012 of the Judicial First Class Magistrate Court, Karunagappally. 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), 341, 323 and 324 of Indian Penal Code on the complaint of one Yesodharan, 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 further proceedings/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.461 of 2012 of the Judicial First Class Magistrate Court, Karunagappally 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 himm will stand discharged.

**Sd/-
P.UBAID
JUDGE**

vdv