

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.2845 of 2015

**CC NO.274/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
MAVELIKKARA.**

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PETITIONER'S/ACCUSED NOS.1&2:

1. C.BINDUMOL,AGED 37 YEARS,D/O.LATE.KRISHNANUNNI,
CHERUMPATTA HOUSE,VENNAKKARA,NURANI,PALAKKAD.
2. SWAMINATHAN,AGED 30 YEARS,D/O.LATE.KRISHNANUNNI,
CHERUMPATTA HOUSE,VENNAKKARA,NURANI,PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT'S/DEFACTO COMPLAINANT AND STATE:

1. MAYDASAN PILLAI,AGED 49 YEARS,
NANDAVANAM HOUSE,KANDIYOOR THEKKENADA,
MAVELIKKARA,ALAPPUZHA-690101.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM, 682031.

R1 BY ADV.SRI.P.M.RAFIQ

R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB.

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

pk

Crl.MC.No.2845 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A:TRUE COPY OF THE FINAL REPORT IN CRIME NO.89/2011 OF
MAVELIKKARA POLICE STATION IN PALAKKAD DISTRICT IN
C.C.NO.274/2011 OF THE COURT OF THE JUDICIAL FIRST CLASS
MAGISTRATE I, MAVELIKARA.**

**ANNEXURE-B:AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN
EVIDENCING THE AFORESAID SETTLEMENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.

Crl. M.C No. 2845 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioners herein are the two accused in C.C No.274 of 2011 of the Judicial First Class Magistrate Court-I, Mavelikkara. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 447, 324, 323, 341, 506(i) r/w 34 of IPC on the complaint of one Maydasan Pillai who is the first 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 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 petitioners herein in C.C No.274 of 2011 of the Judicial First Class Magistrate Court-I, Mavelikkara will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-

P.UBAID,
JUDGE