

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Cr1.MC.No. 1689 of 2014

AGAINST C.C NO.316/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, MAVELIKKARA

CRIME NO. 410/2010 OF KURATHIKADU POLICE STATION, ALAPPUZHA

PETITIONER:

SHAMNAD SALIM, AGED 28 YEARS,
S/O.SALIM, SACHU MANSIL, THAZHAKKARA,
VETTIYAR VILLAGE, MAVELIKKARA.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SOBHANA, AGED 49 YEARS,
W/O.LATE RADHAKRISHNAN, RADHALAYAM, PONNEZHA,
THEKKKEKKARA, MAVELIKKARA.
3. REMYA, AGED 27 YEARS,
D/O.LATE RADHAKRISHNAN
-DO-
4. REMESH, AGED 23 YEARS,
S/O.LATE RADHAKRISHNAN,
-DO-

R2, R3 & 4 BY ADV. SMT.T.M.BINITHA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1689 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1. COPY OF THE FINAL REPORT IN CRIME 410/10 OF THE
KURATHIKADU POLICE STATION.

ANNEXURE 2. COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT.

ANNEXURE 3. COPY OF THE AFFIDAVITS FILED BY THE 2 TO 4
RESPONDENTS.

ANNEXURE 4. COPY OF THE DEATH CERTIFICATE.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1689 of 2014

Dated this the 18th day of February, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.316/2011 of the Judicial First Class Magistrate Court I, Mavelikkara. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the legal heirs of the deceased de facto complainant Radhakrishnan. The petitioner has produced copy of the death certificate showing the death of the complainant Radhakrishnan. Crime in this case was registered under Section 420 of the Indian Penal Code. The legal heirs of the deceased defacto complainant have 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 the 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 the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.316/2011 of the Judicial First Class Magistrate Court I, Mavelikkara 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.

**P.UBAID
JUDGE**

ab