

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

CrI.MC.No. 3332 of 2015 ()

AGAINST THE CC 42/2014 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME NO. 1844/2013 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

B.MOHAMMED FAZIL AGED 31 YEARS
S/O.BASHEER KUNJU, MANAGING DIRECTOR
M/S.DGITO TECHNICAL TRAINING SERVICES PVT. LTD.
DOOR NO.40/8062, 8063, 8064,
8061D AND E, KANOOR CASTLE, MULLASSERY CANAL ROAD
ERNAKULAM-682011.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SRI.M.F.MOHAMMOD SIYAD
SMT.ACHU SUBHA ABRAHAM

RESPONDENT(S)/STATE AND COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE S.I. OF POLICE
CENTRAL POLICE STATION, ERNAKULAM.
 2. SUNANDA SURENDRAN,
W/O.SURENDRAN, KANNATHUPARAMBIL HOUSE, CHATHAKUDAM
VALLACHIRA PO, THRISSUR-680 562.
 3. AKHIL BOBAN
S/O.BOBAN, MOONUTHOTTIYIL HOUSE, ULLANADA PO
BHARANANGANAM, MEENACHIL, KOTTAYAM-686 651.

R2&3 BY ADV. SMT.K.R.MONISHA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3332 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : CERTIFIED COPY OF THE FIR IN CRIME NO.1844 OF 2013 REGISTERED IN THE CENTRAL POLICE STATION, ERNAKULAM ALONG WITH COMPLAINT.

ANNEXURE A2 : CERTIFIED COPY OF THE CHARGE SHEET SUBMITTED BY THE 1ST RESPONDENT IN CRIME NO.1844 OF 2013 REGISTERED THE CENTRAL POLICE STATION, ERNAKULAM.

ANNEXURE A3 : AFFIDAVIT OF THE 2ND RESPONDENT DATED 1-6-2015.

ANNEXURE A4 : AFFIDAVIT OF THE 3RD RESPONDENT DATED 1-6-2015.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.3332 of 2015**  
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Dated this the 28th July, 2015

ORDER

The petitioner herein is the accused in C.C No.42 of 2014 of the Chief Judicial Magistrate's Court, Ernakulam. 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 406 and 420 read with 34 of Indian Penal Code, on the complaint of one Sunanda Surendran, who is the 2nd 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.

2. The other victim of offence is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

3. The learned Public Prosecutor submitted, on instructions, from the Station House Officer that there is no other crime involving similar offences against the petitioner, and that the present crime does not involve any other victim than the respondents 2 and 3.

4. 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.42 of 2014 of the Chief Judicial Magistrate's Court, 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.

**P.UBAID
JUDGE**

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