

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

CrI.MC.No. 2809 of 2014 ()

AGAINST CC 84/2013 of JMFC-V, THIRUVANANTHAPURAM (SPL.COURT-MARKLIST
CASES)

CRIME NO. 401/2007 OF MUSEUM POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S):

BOSE VARGHESE AGED 56 YEARS
S/O.C.C.VARKEY, CHEMBAKASSERIL, POTHANIKKAD P.O.
KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S):

1. SATHEESH, AGED 45,
S/O.DEVADAS, TC 17/1204, UMA NILAYAM
NEAR S.K.HOSPITAL, POOJAPPURA, THIRUVANANTHAPURAM.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.K.A.SALIL NARAYANAN
R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2809 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I. A CERTIFIED COPY OF THE FINAL REPORT IN CC 84/13 PENDING
ON THE FILE OF JFCM COURT-V, THIRUVANANTHAPURAM.

ANNEXURE-II. AFFIDEAVIT SWORN BY R1 THE DE FACTO COMPLAINANT IN
ANNEXURE-I.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No. 2809 of 2014**  
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Dated this the 27th February, 2015

ORDER

The petitioner herein is the first accused in C.C No.84 of 2013 of the Judicial First Class Magistrate Court-V, Thiruvananthapuram. 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 120B and 420 read with 34 of Indian Penal Code on the complaint of one Satheesh who is the 1st 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 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. The person who actually received money from the de facto complainant is the petitioner herein and the prosecution is essentially and definitely against the 1st accused, though the others are also seen arraigned as accused by the prosecution. I find that orders in favour of the petitioner herein quashing the prosecution, will not affect the case against the others, especially in view of the definite affidavit filed by the de facto complainant that he has settled the whole dispute with all the accused, and he does not intend to proceed further in

the matter. It is submitted that the court below has initiated coercive steps against the petitioner herein. The whole dispute now stands amicably settled out of court and the parties are now on quite cordial terms.

In the result, the prosecution against the petitioner in C.C No. 84 of 2013 of the Judicial First Class Magistrate's Court -V, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure. The coercive steps, if any, initiated against the petitioner from the court below will stand recalled.

**Sd/-
P.UBAID
JUDGE**

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/True copy/
P.S to Judge