

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4372 of 2015

C.C.No.1884/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MATTANCHERY

CRIME NO.1150/2014 OF MATTANCHERRY POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED :-

**JUSTUS MIRANDA,S/O.JOBOY MIRANDA,
AGED 52 YEARS, 3/740, DEVASWAM PARAMBU,
MATTANCHERRY, KOCHI-682002.**

**BY ADVS.SRI.SHERRY J. THOMAS
SRI.C.V.JOSEPH (CHELAKKATT)**

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY MATTANCHERY POLICE STATION,
STATION HOUSE OFFICER THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. PHILOMINA STANLEY, W/O. STANLEY MIRANDA,
AGED 49 YEARS, 3/740, DEVASWAMPARAMBU,
MATTANCHERRY, KOCHI-682002.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SMT.THAMANA BAI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4372 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : THE CERTIFIED COPY OF THE FIR IN CRIME NO.1150/2014 OF
MATTANCHERRY POLICE STATION.**

ANNEXURE A2 : THE ORIGINAL OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT.

**ANNEXURE A3 : THE CERTIFIED COPY OF THE FINAL CHARGE SHEET IN
C.C.NO.1884/2015 IN THE FILES OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, MATTANCHERRY.**

RESPONDENT(S)' ANNEXURES :-

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4372 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.1884 of 2015 of the Judicial First Class Magistrate Court, Mattancherry. 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 354 (C), 354, 294(b), 506(i) and 506(ii) IPC on the complaint of one Philomina Stanley, 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. 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 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.1884 of 2015 of the Judicial First Class Magistrate Court, Mattancherry 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.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE