

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4666 of 2015 ()

PETITIONER(S)/ACCUSED :

**JAFFER, AGED 28 YEARS,
S/O.UMMER, KUNDANKUNNUMMAL HOUSE,
CHAMAL DESOM P.O.,
KEDAVOOR VILLAGE,
THAMARASSERY TALUK,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGHCOURT OF KERALA,
ERNAKULAM.**
- 2. BEENA, AGED 44 YEARS,
W/O.DEVASSY,
KONUPPARAMBAN HOUSE,
MOTHIRAKKANNY P.O.,
PARIYARAM VILLAGE,
CHALAKKUDY TALUK, THRISSUR DISTRICT – 680 307.**

**R2 BY ADV. SRI.P.L.JOY
R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AMV

: 2 :

Crl.MC.No. 4666 of 2015 ()

APPENDIX

PETITIONER(S) EXHIBITS :

**ANNEXURE -A : COPY OF THE FIR IN CRIME NO.2014/2012 OF
CHALAKUDI POLICE STATION.**

**ANNEXURE-B : COPY OF THE FINAL REPORT IN CRIME NO.2014/2012
OF CHALAKUDI POLICE STATION.**

RESPONDENTS EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

AMV

P. UBAID, J.

Crl.M.C. No.4666 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioner herein is the accused in C.C.No.5686/2012 of the Judicial First Class Magistrate Court, Chalakkudy. 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 454 and 380 IPC, on the complaint of one Beena, 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 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. Trial has already commenced in the trial court. It is submitted that the material witnesses turned hostile during trial, and the learned Magistrate has dispensed with the examination of the remaining witnesses. At that stage, the parties have come to terms, and amicably settled the whole dispute. When orders are sought in the ground of amicable settlement, the order under Section 482 Cr.P.C. will not amount to intrusion into the trial process. It is appropriate that the prosecution be quashed when the parties have really come to terms.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.5686/2012 of the Judicial First Class Magistrate Court, Chalakkudy 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

sd