

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

CrI.MC.No. 4682 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CC 3866/2010 of JUDL.M.F.C.-I, ERNAKULAM
CRIME NO. 493/2009 OF PALARIVATTOM POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED NO.1:

**K.R.HASHIR, AGED 40 YEARS,
S/O.MUHAMMED RASHEED, KADAMPOTTA HOUSE, ERIYAD KARA,
ERiyAD VILLAGE, KODUNGALLORE TALUK,
TRISSUR DISTRICT.**

BY ADV. SMT.K.J.SHINY

RESPONDENT(S)/COMPLAINANT& DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**
- 2. NISHA SARANGH, W/O.RAJESH .S NAIR,
G1 FLAT, PADMASREE VILLA, SOUTH JANATHA ROAD,
PALARIVATTOM, ERNAKULAM DISTRICT,
NOW RESIDING AT THUNDIPARAMBIL HOUSE, PIPE LINE ROAD,
PALLURUTHY, KOCHI 682 006.**

**R2 BY ADV. SRI.E.RAMACHANDRAN
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:**

DG

Crl.MC.No. 4682 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- CERTIFIED COPY OF THE FINAL REPORT IN CRME NO.493/2009 OF
PALARIVATTOM POLICE.**

**ANNEXURE A2- TREU COPY OF THE AFFIDAVIT FILED BY THE 2ND
RESPONDENT/DEFACTO COMPLAINANT.**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.4682 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioner herein is the 1st accused in C.C No.3866/2010 of the Judicial First Class Magistrate Court-I, 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 109, 452, 354, 323, 427 and 34 IPC, on the complaint of one Nisha Sarangh, 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.3866/2010 of the Judicial First Class Magistrate Court-I, 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.

Sd/-
P. UBAID, JUDGE

TRUE COPY

P.A TO JUDGE

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