

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

Crl.MC.No. 4746 of 2015 ()

**IN CC 450/20 of J.M.F.C.,KUNNAMANGALAM
CRIME NO. 247/2011 OF MAVOOR POLICE STATION , KOZHIKODE**

PETITIONER(S):

1. **AJITHA, AGED 40 YEARS,
W/O. UNNIKRISHNAN,
THOTTATHIL HOUSE,
CHEROOPPA (PO), KOZHIKODE,
PIN - 673 661.**
2. **UNICHARU,
AGED 68 YEARS, S/O. KANNANKUTTY, THOTTATHIL HOUSE,
CHEROOPPA (PO), KOZHIKODE, PIN - 673 661.**
3. **BABURAJ, AGED 44 YEARS, S/O. UNICHARU,
THOTTATHIL HOUSE,
CHEROOPPA (PO), KOZHIKODE, PIN - 673 661.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENT(S):

1. **JANU, AGED 68 YEARS, W/O. CHEKKU, THOTTATHIL HOUSE,
CHEROOPPA (PO), KOZHIKODE, PIN - 673 661.**
2. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

**R1 BY ADV. SRI.G.ANEESH
R BY PUBLIC PROSECUTOR**

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

APPENDIX

PETITIONER (S)' ANNEXURE:

ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN C.C.NO.450/2011 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM WHICH AROSE FROM CRIME NO. 247/2011 OF MAVOOR POLICE STATION, KOZHIKODE DATED 22.7.2011.

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT FILED BY THE FIRST RESPONDENT DATED 25.7.2015.

RESPONDENT (S)' ANNEXURE:

NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.4746 of 2015

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Dated this the 28th day of July, 2015

ORDER

The petitioners herein are the three accused in C.C.No.450 of 2011 of the Judicial First Class Magistrate Court, kunnamangalam. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 341, 447, 294(b), 323 and read with Section 34 of the Indian Penal Code on the complaint of one Janu, who is the 1st 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 petitioners herein in C.C.No.450 of 2011 of the Judicial First Class Magistrate Court, kunnamangalam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE