

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4969 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CC 1331/2014 of J.M.F.C-I, ATTINGAL DATED
CRIME NO. 366/2014 OF POTHENCODE POLICE STATION , THIRUVANANDAPURAM**

PETITIONER/ACCUSED:

**MANZOOR, AGED 24 YEARS,
S/O.NASEER, M.M.MANZIL, EDATHADU,
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENTS/STATE & CW1:

**1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
POTHENCODE POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**2. SONIMA, AGED 20 YEARS,
D/O SHAKEELA, SAGAR MANZIL, KOPPAM,
PIRAPPANCODE, MANIKKAL VILLAGE, THIRUVANANTHAPURAM,
PIN-695101.**

**R2 BY ADV. SRI.HRITHWIK
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4969 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.366/2014 OF POTHENCODE
POLICE STATION**

**ANNEXURE-B: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.366/2014 OF
POTHENCODE POLICE STATION**

ANNEXURE-C NOTARIZED AFFIDAVIT OF THE 2ND RESPONDENT/CW1.

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.4969 of 2015

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Dated this the 4th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.1331 of 2014 of the Judicial First Class Magistrate Court-I, Attingal. 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 294(b), 341 and 323 of the Indian Penal Code on the complaint of one Sonima, 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.1331 of 2014 of the Judicial First Class Magistrate Court-I, Attingal 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