

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 4008 of 2014 ()

**CC 1474/2007 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR
CRIME NO. 463/2007 OF ADOOR POLICE STATION , PATHANAMTITTA DISTRICT
=====**

PETITIONES/ACCUSED NOS.1 & 2:

- 1. K.N.SUNIL BABU
S/O.NALINAKSHAN, 'KAMALALAYAM' HOUSE
PANNIVIZHA, PANNIVIZHA MURI, ADOOR VILLAGE.**
- 2. K. MANESH, S/O.KUNJUKUNJU
MANESH BHAVAN, PARAKUTTAM MUNDAPALLY
PERIGANADU VILLAGE.**

**BY ADVS.SRI.M.REVIKRISHNAN
SRI.S.SHAJAHAN (ADOOR)**

RESPONDENTS/PERSONS AGGRIEVED & STATE:

- 1. P.T.42, ADOOR SERVICE CO-OPERATIVE SOCIETY
REPRESENTED BY ITS SECRETARY PREMNAD, PREM NIVAS
MUNNALAM ADOOR P.O 689 694**
- 2. STATE OF KERALA, REP. BY PPHC OF KERALA, ERNAKULAM 682 031**

**R1 BY ADV. SRI.T.M.SHERIFF
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNX.A - TRUE COPY OF THE FINAL REPORT IN CRIME NO.463/07 OF ADOOR
POLICE STATION, PATHANAMTHITTA DISTRICT.**

**ANNX.B & C - TRUE COPIES OF THE RECEIPTS ISSUED BY THE CO-OPERATIVE
SOCIETY ACKNOWLEDGING RECEIPT OF THE AMOUNTS FROM THE
1ST PETITIONER HEREIN DATED 26-4-14, 5-6-14**

**ANN.D - TRUE COPY OF THE RECEIPT ISSUED ACKNOWLEDGING RECEIPTS
OF AMOUNT DATED 25-8-2011 BY THE ADOOR SERVICE
CO-OPERATIVE SOCIETY FROM THE 1ST PETITIONER.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4008 of 2014

Dated this the 31st day of March, 2015

O R D E R

The petitioners herein are the accused Nos. 1 and 2 in C.C. No.1474/2007 of the Judicial First Class Magistrate Court, Adoor. 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 403, 405 and 408 IPC, on the complaint of the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The Secretary of the 1st respondent has filed affidavit to the effect that the whole dispute stands settled with the accused.

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 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.1474/2007 of the Judicial First Class Magistrate Court, Adoor 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

sd