

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Crl.MC.No. 5211 of 2015

**CC 232/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ANGAMALY
(TEMPORARY)**

CRIME NO. 713/2013 OF NEDUMBASSERY POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED :-

**BINOY, AGED 42 YEARS,
S/O.CHERIAN, CHERIPPURATH HOUSE,
ELAMKULAM, PONKUNNAM ELIKKULAM VILLAGE,
KOTTAYAM DISTRICT.**

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**
- 2. RENJINI HARIDAS, AGED 31 YEARS,
D/O.HARIDAS, HARISREE HOUSE, KADAVANTHARA,
ELAMKULAM VILLAGE, ERNAKULAM DISTRICT,**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.MILLU DANDAPANI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07-08-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5211 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 : THE COPY OF THE FINAL REPORT IN CRIME NO.713/2013 OF
NEDUMBASSERY POLICE STATION PENDING AS CC NO.232/2015
BEFORE THE JUDICIAL FIRST CLASS MAGISTRAT COURT,
ANGAMALY.**

**ANNEXURE 2 : THE AFFIDAVIT DATED 4-8-2015 SWORN IN BY THE 2ND
RESPONDENT/DE FACTO COMPLAINANT.**

RESPONDENT(S)'ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5211 of 2015

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Dated this the 7th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.232 of 2015 of the Judicial First Class Magistrate Court, Angamaly. 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 354(A)(iv) and 294(b) of the Indian Penal Code on the complaint of one Renjini Haridas, 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 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. The counter case also stands quashed by this Court as per the order in Crl.M.C.5215 of 2015.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.232 of 2015 of the Judicial First Class Magistrate Court, Angamaly 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