

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 4131 of 2014 ()

**CC 1866/2013 of J.M.F.C.-III, PUNALUR
CRIME NO. 98/2013 OF PUNALUR POLICE STATION , KOLLAM.**

PETITIONER(S)/PETITIONER:

**GIREESHKUMAR, AGED 38 YEARS
S/O.SOMANATHAN NAIR, GEETHABHAVAN, MOONGODU
ALAYAMON VILLAGE, PATHANAPURAM TALUK.**

BY ADVS.SRI.SUBHASH CYRIAC

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. PRASANNA,
SUNIL VILASAM VEEDU, PAYYANKUNNU, KALAYANADU
VALAVANCODE-691331.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SRI.SANTHOSH PABRAHAM
R BY PUBLIC PROSECUTOR ADV.SMT.SHEEBA.M.T**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

AVS

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE-A1: A TRUE COPY OF THE AGREEMENT FOR SALE.**
- ANNEXURE-A2: TRUE COPY OF THE PLAINT IN O.S.NO.276/12 ON THE
FILE OF THE SUB COURT, KOTTARAKARA.**
- ANNEXURE-A3: A TRUE COPY OF THE COMPLAINT OF THE 1ST
RESPONDENT.**
- ANNEXURE-A4: CERTIFIED COPY OF THE FINAL REPORT IN
C.C.NO.1866/2013 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-III, PUNALUR.**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY//

PA.TO JUDGE

AVS

P.UBAID, J.
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Crl.M.C.No.4131 of 2014
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Dated this the 28th Day of September 2015

O R D E R

The petitioner herein is the accused in C.C No.1866 of 2013 of the Judicial First Class Magistrate Court-III, Punalur. 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 420, 468, 471, 506(1) of the Indian Penal Code read with Section 3,4 and 17 of the Money Lenders Act, on the complaint of one Smt. Prasanna, who is the first 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. 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.1866 of 2013 of the Judicial First Class Magistrate's Court-III, Punalur 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

AVS