

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Cr1.MC.No. 5509 of 2015

IN CC 1305/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHERTHALA

CRIME NO.16/2013 OF THE RAILWAY POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED:

JAYASOORYA, AGED 33 YEARS,
S/O.PAVITHRAN, PANJAVADI HOUSE,
CHALIKKAVATTOM ROAD,
VYTTILA P.O., ERNAKULAM DISTRICT.

BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI
SRI.NOBEL RAJU

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING S I OF POLICE, RAILWAY POLICE STATION,
ALAPPUZHA, ALAPPUZHA DISTRICT-682031.

2. SANGEETHA, AGED 36 YEARS,
W/O.SAJI, SATHAGAMAYA, BHAVANA NAGAR,
KADAPPAKKADA, KOLLAM DISTRICT-691008.

R2 BY ADV. SRI.BINU GEORGE
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5509 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.16/2013 DATED 5.5.2013 OF RAILWAY POLICE STATION, ALAPPUZHA

ANNEXURE A2: COPY OF THE FINAL REPORT SUBMITTED BY THE RAILWAY POLICE, ALAPPUZHA IN CRIME NO.16/2013

ANNEXURE A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5509 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioner herein is the accused in C.C No.1305/2014 of the Judicial First Class Magistrate Court I, Cherthala. 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 Section 119(B) of the Kerala Police Act and under Section 509 of the Indian Penal Code on the complaint of one Sangeetha 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 the prosecution 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.1305/2014 of the Judicial First Class Magistrate Court I, Cherthala 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**

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