

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

CrI.MC.No. 4642 of 2013 ()

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CC 638/2006 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PARAPPANANGADI
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PETITIONER/3RD ACCUSED:

**PRADEEP, AGED 39 YEARS, S/O.VELAYUDHAN
KUNNATH HOUSE, TIRURANGADI POST
THRIKKULAM, KARIPARAMBA, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT/STATE:

- 1. THE STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
TIRURANGADI POLICE STATION, TIRURANGADI-676 306
MALAPPURAM DISTRICT, THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**ADDL.R2. ABDUL SALAM, S/O.KUNHIMOHAMMED HAJI
AGED 38 YEARS, THRIKKULAM, TIRURANGADI
MALAPPURAM DISTRICT-676306**

ADDL.R2 IS IMPEADED AS PER ORDER DATED 20.02.2015 IN CrI.M.A.No.3882/2014

**ADDL.R2 BY ADV. SRI.ARUN MATHEW VADAKKAN
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1- CERTIFIED COPY OF FIRST INFORMATION REPORT DATED 4.6.2000
IN CRIME NO.230/2000 OF TIRURANGADI POLICE STATION.**

**ANNEXURE A2- CERTIFIED COPY OF FINAL REPORT DATED 30.6.2000 IN CRIME
NO.230/2000 OF TIRURANGADI POLICE STATION.**

**ANNEXURE A3- CERTIFIED COPY OF DEPOSITION OF PW2 (COMPLAINANT) IN
C.C.NO.638/2006 DATED 7.9.2009.**

**ANNEXURE A4- CERTIFIED COPY OF JUDGMENT DATED 19.3.2011 IN C.C.NO.638/2006
PASSED BY JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
PARAPPANANGADI.**

ANNEXURE A5- AFFIDAVIT DATED 21.04.2014 OF THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.4642 of 2013

Dated this the 20th day of February, 2015

O R D E R

The petitioner herein is the 3rd accused in Crime No. 230/2000 of the Tirurangadi Police Station. The other accused faced trial in C.C.No.638/2006 of the Judicial First Class Magistrate Court-I, Parappanangadi, and obtained a judgment of acquittal under Section 248(1) Cr.P.C., when the prosecution failed to prove the case beyond reasonable doubt. The case against the petitioner was split up and refiled as C.C.No.401/2011, and now it stands transferred to the register of long pending cases as L.P.C.No.42/2012. The petitioner now 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 457 and 380 IPC read with 34 IPC. on the complaint of one Abdul Salam, who is the additional 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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 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, 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 L.P.C.No.42/2012 of the Judicial First Class Magistrate Court-I, Parappanangadi, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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