

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Cr1.MC.No. 4559 of 2014

AGAINST C.C NO.253/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -III, PUNALUR

CRIME NO. 1890/2013 OF PUNALUR POLICE STATION, KOLLAM

PETITIONER/ACCUSED IN CC 253/14 OF JFMC-III, PUNALUR:

DEVIKA RANI, AGED 52 YEARS,
D/O.CHEMPAKAVALLY, CHITHRALAYAM ROAD,
PUNALUR VILLAGE,
PATHANAPURAM TALUK.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENTS/STATE/COMPLAINANT
IN CC 253/14 OF JFMC-III, PUNALUR.:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM,
REPRESENTING S.I OF POLICE,
PUNALUR -691 001.
2. A.KUNJU KRISHNAN, AGED 64 YEARS,
S/O.ACHUTHAN NAIR, THENGUMKOTTU HOUSE,
ANCHAL VILLAGE
ANCHAL,
KOLLAM DISTRICT - 691 001.

R2 BY ADV. SRI.AJAYA KUMAR. G
R1 BY PUBLIC PROSECUTOR SMT.P MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4559 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-1: CERTIFIED COPY OF THE FINAL REPORT IN CC 253/14 OF JFCM-III, PUNALUR.

ANNEXURE-2: COPY OF FIR NO.1890/13, DATED 15.11.2013 OF PUNALUR POLICE BEFORE JFCM-III, PUNALUR.

ANNEXURE-3: COPY OF THE REPORT DATED 16.11.2013 OF S.I OF POLICE, PUNALUR BEFORE JFCM-III

ANNEXURE-4: PHOTOCOPY OF THE ORDER IN IA NO.1892/2013 IN OS NO.451/2013 DATED 3.12.2013

ANNEXURE-5: PHOTOCOPY OF THE ORDER DATED 1.2.2014 IN IA 1939/13 IN OS 465/13

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4559 of 2014

Dated this the 9th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C No.253/2014 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 188, 447, 341, 506 (1) and 379 of the Indian Penal Code. Later Section 379 was deleted, and the police submitted final report under Sections 188, 447, 341 and 506(1) of the Indian Penal Code. The defacto complaint is one Kunju Krishnan, who is the 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 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, 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 C.C No.253/2014 of the Judicial First Class Magistrate 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.

**P.UBAID
JUDGE**

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