

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Crl.MC.No. 4825 of 2013 ()

AGAINST CC 1724/2013 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME NO. 627/2013 OF ERNAKULAM NORTH POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. K.R.BIJU
S/O.RADHAKRISHNAN, RESIDING AT RAJAM VILLA
EARATHUKULIKADA MURI, KAYALAPURAM VILLAGE
KOLLAM DISTRICT.
2. SARITHA S.NAIR AGED 35 YEARS
D/O.SOMARAJAN, RESIDING AT PADINJARETHARAYIL HOUSE
VATTAPARA, CHENGANNUR KARA, CHENGANNUR VILLAGE
KOTTAYAM DISTRICT.

BY ADVS.SRI.AJEESH S.BRITE
SRI.PHENEY BALAKRISHNAN

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. V.P.JOY,, AGED 73 YEARS
S/O.PAULOSE, RESIDING AT "ASHIYANA", NECHOOR P.O.
ERNAKULAM DISTRICT, PIN: 686 664.

R2 BY ADV. SRI.E.A.BIJUMON
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4825 of 2013 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: TRUE COPY OF THE STATEMENT RECORDED BY THE S.I OF
POLICE, ERNAKULAM TOWN NORTH POLICE STATION.

ANNEXURE-II: TRUE COPY OF THE FIR DT.9.5.2013

ANNEXURE-III: TRUE COPY OF THE CHARGE SHEET IN CR.NO.627/2013

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No.4825 of 2014**

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Dated this the 20th January, 2015

ORDER

The petitioners are the two accused in C.C No.1724 of 2013 of the Chief Judicial Magistrate's Court, Ernakulam. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 120B, 419, 468, 471, 406 and 420 of Indian Penal Code on the complaint of one V.P. Joy 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.

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 petitioners herein in C.C No.1724 of 2013 of the Chief Judicial Magistrate Court, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge