

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Cr1.MC.No. 6193 of 2015

IN CC 395/2015 of JUDICIAL FIRST CLASS MAGIST. COURT II,
KOTHAMANGALAM
CRIME NO. 1419/2014 OF POTHANIKADU POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED NOS.1 TO 3:

1. SHOBY K.K., AGED 30 YEARS,
S/O.KUNJUMON, KOMBANADU HOUSE,
PALLARIMANGALAM.P.O,
MADIYOOR KARA, KOTHAMANGALAM.
2. KUNJUMON, AGED 56 YEARS,
S/O.ALIYAR, KOMBANADU HOUSE,
PALLARIMANGALAM.P.O,
MADIYOOR KARA, KOTHAMANGALAM.
3. CHITHUKUTTY, AGED 49 YEARS,
W/O.KUNJUMON, KOMBANADU HOUSE,
PALLARIMANGALAM.P.O
MADIYOOR KARA, KOTHAMANGALAM.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1. BEEMA K.NAZAR, AGED 26 YEARS,
D/O.NAZAR, PUTHUPPADY.P.O, PERUMATTOM KARA,
MUVATTUPUZHA TALUK.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.R.SYLESHWAREN NAIR

R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6193 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE PRIVATE COMPLAINT (CMP 524/2014) FILED
BY THE 1ST RESPONDENT BEFORE THE JFCM COURT-II, KOTHAMANGALAM

ANNEXURE-B COPY OF THE FINAL REPORT IN CRIME NO.1419/2014 OF
POTHANIKADU POLICE STATION WHICH IS NOW PENDING AS
C.C.395/2015 OF JFCM COURT-II, KOTHAMANGALAM

ANNEXURE-C ORIGINAL AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT
DATED 10.9.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6193 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.395/2015 of the Judicial First Class Magistrate Court II, Kothamangalam. 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 406 and 498(A) of the Indian Penal Code on the complaint of one Beema K.Nazar who is the 1st 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. It is submitted that the parties have decided to part ways in terms of the settlement arrived at, and that the dues also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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 petitioners herein in C.C No.395/2015 of the Judicial First Class Magistrate Court II, Kothamangalam 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.

**P.UBAID
JUDGE**

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