

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Crl.MC.No. 6230 of 2015 ()

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CC 2004/2014 of JUDICIAL FIRST CLASS MAGISTRTE COURT-
III, THIRUVANANTHAPURAM
=====**

PETITIONER/ACCUSED:

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PRASANTH @ ANANAD AGED 39 YEARS
S/O. RAMACHANDRAN PILLAI, H.NO.166
REMYA BHAVAN, CHANDAMUKKU
PEYAD WARD, VILAPPIL VILLAGE
THIRUVANANTHAPURAM**

**BY ADVS.SRI.P.RAVEENDRAN PILLAI
SMT.INDIRA RAVEENDRAN**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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- 1. THE STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM – 682031**
 - 2. NIRMALA CHANDRAPAL, W/O. CHANDRAPAL
AGED 70 YEARS, RESIDING AT SHYLA MANOR
APARTMENT, 2A, JAWAHAR NAGAR, KOWDIAR
VILLAGE, THIRUVANANTHAPURAM - 695003**

**R2 BY ADV. SRI.SANJAY THAMPI
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.M.C.No. 6230/2015

PETITIONER'S EXHIBITS

**ANNEXURE A(1) COPY OF THE FINAL REPORT IN C.C.No.2004/2014 OF THE
JUDICIAL MAGISTRATE OF FIRST CLASS-III,
THIRUVANANTHAPURAM DATED 17.10.2014**

ANNEXURE A(2) COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

TRUE COP Y

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6230 of 2015

Dated this the 17th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C.No.2004/2014 of the Judicial First Class Magistrate Court-III, Thiruvananthapuram. 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 341, 294(b), 354 and 506(i) IPC, on the complaint of one Nirmala Chandrapal, 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 further proceedings 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.2004/2014 of the Judicial First Class Magistrate Court-III, Thiruvananthapuram 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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