

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA,
1937

Cr1.MC.No. 6310 of 2015

IN CC 166/2015 of ADDL.C.J.M. (E&O), ERNAKULAM
CRIME NO. 1249/2011 OF ERNAKULAM TOWN SOUTH POLICE
STATION, ERNAKULAM

PETITIONER/ACCUSED:

MANUVEL JACKSON, AGED 25 YEARS,
S/O.DON BASCO PRAKASH, ARACKAL HOUSE,
VAKAYIL ROAD,
MARADU, ERNAKULAM. PIN-682 304.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS/COMPLAINANT:

1. RINI ALPHONSA SEBASTIAN, AGED 26 YEARS,
W/O.SEBASTIAN, THAIPPARAMBIL HOUSE,
CHACKALACKAL,
PERUMANOOR, ERNAKULAM.

2. STATE OF KERALA
REPRESENTED BY THE S.I.OF POLICE
E.T.SOUTH POLICE STATION, (CRIME 1249/11)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.VISHNU SOMAN

R1 BY ADV. SRI.G.SIJI

R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 23-09-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6310 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I- A CERTIFIED COPY OF THE FINAL REPORT PENDING
AS C.C.NO.166/2015 ON THE FILE OF ACJM(E.O.) COURT,
ERNAKULAM.

ANNEXURE II- AFFIDAVIT SWORN BY R1 THE DE FACTO
COMPLAINANT IN ANNEXURE-I.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6310 of 2015

Dated this the 23rd day of September, 2015

O R D E R

The petitioner herein is the accused in C.C No.166/2015 of the Additional Chief Judicial Magistrate Court (EO), Ernakulam. 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 354 and 427 of the Indian Penal Code on the complaint of one Rini Alphonsa Sebastian who is the first 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 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 petitioner herein in C.C No.166/2015 of the Additional Chief Judicial Magistrate Court (EO), Ernakulam 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**

ab