

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 6355 of 2015 ()

**IN CC 1130/2013 of J.M.F.C.,KASARAGOD
CRIME NO. 45/2013 OF KASARAGOD POLICE STATION , KASARGOD**

PETITIONER/ACCUSED:

**TITUS, S/O.YOHANNAN,
AGED 47 YEARS, VADAKKEKKARA, PADINJATTETHIL,
CHENGANNUR, ALAPPUZHA DISTRICT.**

BY ADV. SRI.S.JIJI

RESPONDENT/DE FACTO COMPLAINANT:

**SEENA P, AGED 33 YEARS,
W/O SUNEESH BABU,
NEAR RAILWAY STATION, PAZHAYANGADI,
MADAYI VILLAGE, KANNUR DISTRICT.**

**R1 BY ADV. SMT.K.S.SANTHI
R BY PUBLIC PROSECUTOR ADV.SMT.M.T.SHEEBA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

AVS

Crl.MC.No. 6355 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS :

**ANNEXURE A1: CERTIFIED COPY OF FINAL REPORT IN CR.45/2013 OF
KASARAGOD POLICE STATION.**

**ANNEXURE A2: AFFIDAVIT DATED 27-8-2015 SWORN BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.A.TO JUDGE

AVS

P.UBAID, J.
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Crl.M.C No.6355 of 2014
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Dated this the 28th Day of September 2015

ORDER

The petitioner herein is the accused in C.C No.1130/2013 of the Judicial First Class Magistrate Court-I, Kasaragod. 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 Section 354 of the Indian Penal Code, on the complaint of one Smt. Seena.P, 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.

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.1130/2013 of the Judicial First Class Magistrate's Court-I, Kasaragod 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

AVS