

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6382 of 2015 ()

C.C.NO. 157/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUTHUPARAMBA

PETITIONER/ACCUSED:

**VALSAN, AGED 53 YEARS,
S/O.GOPALAN, KURARA @ THAZHENPURAYIL HOUSE,
VEKKALAM AMSOM, MALOOR.**

BY ADV. SRI.K.RAJESH KHANNA

RESPONDENTS/DEFACTO COMPLAINANT/COMPLAINANT:

- 1. SATHI KUNNATH, W/O. PAVITHRAN,
PAVITHRAM', KAPPATTAPPIL HOUSE,
SIVAPURAM AMSOM, MALOOR DESOM,
THALASSERY TALUK, KANNUR DISTRICT, PIN – 670 702.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.V.BINOY RAM
R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AAPENDIX

PETITIONER(S)' ANNEXURE:

- ANNEXURE 1:** CERTIFIED TRUE COPY OF THE F.I.R IN CR.357/2013 OF
MALOOR POLICE STATION NOW PENDING AS C.C. 157/2014
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUTHUPARAMBA.
- ANNEXURE 2:** CERTIFIED TRUE COPY OF THE FINAL REPORT IN CR.
357/2013 OF MALOOR POLICE STATION NOW PENDING AS C.C.
157/2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KUTHUPARAMBA.
- ANNEXURE 3:** AFFIDAVIT SWORN BY THE 1ST RESPONDENT DATED
21.05.2015.

RESPONDENT(S)' ANNEXURE:

NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C.No. 6382 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioner herein is the accused in C.C No. 157/2014 of Judicial First Class Magistrate Court, Kuthuparamba. 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 447, 323 and 354 of the Indian Penal Code; on the complaint of one Sathi Kunnath, 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 proceeding 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. 157/2014 of Judicial First Class Magistrate Court, Kuthuparamba 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.

AK

Sd/-
P.UBAID
JUDGE

//True copy//

P.A. To Judge