

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.MC.No. 6874 of 2015

CC 1746/2012 of J.M.F.C.-II, THIRUVANANTHAPURAM

CRIME NO. 295/2007 OF PEROORKADA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :-

**LIJU THOMAS GEORGE, AGED 31 YEARS,
S/O.THOMAS K. GEORGE,
VARAMBAKKAL PATHAL KOCHUTHUNDIYIL HOUSE,
PAZHAVANGADI VILLAGE, RANNI TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS. SRI. SIJU KAMALASANAN
SMT. SEETHA S.**

RESPONDENT(S)/DE-FACTO COMPLAINANT & STATE :-

- 1. STATE OF KERALA,
THROUGH THE CIRCLE INSPECTOR OF POLICE,
PEROORKADA , REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. JISHA ANNA JOSHI, AGED 29 YEARS, D/O.JOSHI JOSEPH,
KUZHIYATHU THEKKU HOUSE, MAMBARA P.O.,
CHERIYANADU VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.**

**R2 BY ADV. SMT.ASHA ELIZABETH MATHEW
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 : THE COPY OF FIR WITH FIS IN CRIME NO.295/2007 OF PEROORKADA
POLICE STATION.**

**ANNEXURE 2 : THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO.295/2007 OF
PEROORKADA POLICE STATION.**

**ANNEXURE 3 : THE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT
REGARDING SETTLEMENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6874 of 2015

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Dated this the 26th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.1746 of 2012 of the Judicial First Class Magistrate Court-II, 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 Section 67 of the Information Technology Act and Sections 419 and 469 of the Indian Penal Code on the complaint of one Jisha Anna Joshi, 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, and I am satisfied that the parties are now on quite cordial terms. 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.1746 of 2012 of the Judicial First Class Magistrate Court-II, 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**

rkj

//TRUE COPY//

P.A. TO JUDGE