

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 7138 of 2015

CC 584/2015 OF ADDL.C.J.M., THIRUVANANTHAPURAM

CRIME NO.1191/2014 OF PETTA POLICE STATION,
THIRUVANANTHAPURAM

PETITIONER/ACCUSED :-

AJAYA GHOSH, AGED 45/2015,
S/O. CHELLAPPAN NADAR, PRA -24,
PARAKODE LANE, NALANCHIRA,
KINAVOOR WARD, KODAPPANAKUNNU VILLAGE,
AND THIRUVANANTHAPURAM.

BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE :-

1. NEETHU, D/O. MINI, AGED 19/14,
ARA-55, MUDAPLAVILA VEEDU,
NEAR SIVA TEMPLE, MANIKANDESWARAM,
AYOORKONAM, INDIRA NAGAR, VATTIYOORKAVU,
PEROORKKADA VILLAGE,
THIRUVANANTHAPURAM (DEFACTO COMPLAINANT).
2. SUB INSPECTOR OF POLICE,
PETTAH POLICE STATION,
THIRUVANANTHAPURAM - REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV. SRI.ALEX GEORGE (CHAMAPPARAYIL)
R2 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Cr1.MC.No. 7138 of 2015

APPENDIX

PETITIONER(S) ' ANNEXURES :-

ANNEXURE A :- CERTIFIED COPY OF CHARGE SHEET IN C.C.NO.
584/2015 ON THE FILE OF ACJM,
THIRUVANANTHAPURAM.

ANNEXURE B :- NOTARIZED AFFIDAVIT OF COMPROMISE SWORN BY
1ST RESPONDENT.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7138 of 2015
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Dated this the 23rd day of December, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.584 of 2015 of the ACJM Court, 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 354, 354(A)(i)(ii)(iv) and 506(i) IPC on the complaint of one Neethu, 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, 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.584 of 2015 of the ACJM Court, 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