

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Cr1.MC.No. 7257 of 2015

IN C.C 1304/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
II, ALUVA
CRIME NO. 112/2012 OF ALUVA WEST POLICE STATION (ALANGAD),
ERNAKULAM

PETITIONER/ACCUSED:

SIJO,
S/O.JOHN, MAZHUVANCHERY HOUSE,
THATTANPPADY BHAGOM,
KARUMALLOOR P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS/DEFACTO COMPLAINANT & COMPLAINANT:

1. SHAILA,
W/O.VENU, KALATHILPARAMBIL HOUSE,
NANDIKULANGARA BHAGOM,
KIZHAKKUMPURAM KARA, KOTTUVALLY P.O, PARAVUR,
ERNAKULAM - 683 519.

2. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SMT.C.DEEPA
R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7257 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.112/2012 OF ALUVA WEST POLICE STATION DATED 12.2.2012

ANNEXURE-A2: COPY OF THE FINAL REPORT IN CRIME NO.112/2012 OF
ALUVA WEST POLICE STATION.

ANNEXURE-A3: COPY OF THE AFFIDAVIT SWORN BY THE IST
RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7257 of 2015

Dated this the 17th day of November, 2015

O R D E R

The petitioner herein is the accused in C.C No.1304/2015 of the Judicial First Class Magistrate Court II, Aluva. 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 119(1)(a) of the Kerala Police Act on the complaint of one Shaila 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 further 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.1304/2015 of the Judicial First Class Magistrate Court II, Aluva 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**

//True Copy//

P.A to Judge

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