

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Cr1.MC.No. 7322 of 2015

IN CC 1593/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, PUNALUR
CRIME NO. 1032/2015 OF YERROOR POLICE STATION, KOLLAM

PETITIONER/ACCUSED:

GIREESHKUMAR, AGED 41 YEARS,
S/O.CHELLAPPAN, BEENA BHAVAN, NEDAYATHUKONAM,
NETTAYAM MURIYIL, YERROOR VILLAGE, PUNALUR,
KOLLAM DISTRICT.

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
YERROOR POLICE STATION, (CRIME NO.1032/2015), YERROOR,
PUNALUR, KOLLAM DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THANKAMMA, AGED 68 YEARS,
D/O.UMINIKUNJU, PUTHENVEETIL, VARIKOYIL,
YERROOR VILLAGE, YERROOR, PUNALUR-691305.

R2 BY ADV. SRI.T.K.BIJU (MANJINIKARA)

R1 BY PUBLIC PROSECUTOR SRI.ABHIJIT LESLIE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7322 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1032/2015 OF THE
YERROR POLICE STATION

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.1032/2015 OF
YERROR POLICE STATION.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 7322 of 2015

Dated this the 20th day of November, 2015

O R D E R

The petitioner herein is the accused in C.C No.1593/2015 of the Judicial First Class Magistrate Court I, Punalur. 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, 294(b) and 506(ii) of the Indian Penal Code on the complaint of one Thankamma who is the second 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.1593/2015 of the Judicial First Class Magistrate Court I, Punalur 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//

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P.A to Judge