

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

CrI.MC.No. 7448 of 2015 ()

AGAINST THE JUDGMENT IN CC 498/2015 of
C.J.M.,THIRUVANANTHAPURAM/SPL.COURT FOR TRIAL OF CYBER CRIME
CRIME NO. 1125/2013 OF MUSEUM POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S):

1. BHASKAR RAO @ RAJATH SHETTY, AGED 29 YEARS
S/O.BALAKRISHNA SHETTY, A BLOCK, KASTHURI BAG PARK
PAROLI WEST, MUMBAI
PRESENTLY RESIDING AT 9-100 GURUPRASAD COLONY
LOWER ADIMAR, GORIGUDDA, KANKANADY
MANGALORE 02.
2. SOMAPRABHU @ VIJAY KUMAR
S/O.INDRASEN PRASAD SING, PANK VILLAGE, KEYOT P.O
BARDGE BAG, NALANDA DISTRICT, BIHAR
PRESENTLY RESIDING AT HOUSE NO.60
MANESHWARA TEMPLE STREET, NAGESHETTI BELLI, BANGALORE
KARNATAKA.
3. NITHIN KUMAR, AGED 29 YEARS,
S/O.ARVIND KUMAR, SUPERINTENDENT QUARTERS HOUSE NO.2
MAGAL WOMENS COLLEGE CAMPUS, PATNA
BIHAR PRESENTLY RESIDING AT HOUSE NO.F2
WHITE DREAMS MEVUR 43, KRISHNA PATYA LAY OUT
SANJAY NAGAR, BANGALORE, KARNATAKA 695 001.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.
2. KARISHMA, AGED 25 YEARS,
D/O.ROSHINI, RESIDING AT SAFYAR, FLAT NO.6C
JAWAHAR NAGAR, KOWDIAR VILLAGE
THIRUVANANTHAPURAM 695 001.

R2 BY ADV. SRI.P.K.SUBHASH

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7448 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1125 OF 2013 OF MUSEUM
POLICE STATION, THIRUVANANTHAPURAM.

ANNEXURE AII. COPY OF THE FINAL REPORT IN CRIME NO.1125 OF 2013 OF
MUSEUM POLICE STATION, THIRUVANANTHAPURAM.

ANNEXURE AIII. COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
ENDORISING THE FACTUM OF SETTLEMENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.7448 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The petitioners herein are the accused in C.C.No.498/2015 of the Judicial First Class Magistrate Court, Thiruvananthapuram. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 420 and 406 IPC and 66(D) of the Information Technology Act, on the complaint of one Karishma, 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 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 petitioners herein in C.C.No.498/2015 of the Judicial First Class Magistrate Court, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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The name of the lower court "Judicial First Class Magistrate Court, Thiruvananthapuram" occurring in the 2nd line at page 1 and in the second sentence of last paragraph at page 2 of the final order dated 02/12/2015 in Crl.M.C.7448/2015 is corrected and substituted as "Chief Judicial Magistrate Court, Thiruvananthapuram" as per order dated 17/12/2015 in Crl.M.A.11706/2015 in Crl.M.C.7448/2015.

Sd/-

Registrar (Judicial)

// True Copy //

P.A. to Judge