

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Crl.MC.No. 7475 of 2015

CC 743/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI

CRIME NO. 190/2012 OF KALIKAVU POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED :-

**ABDULLAKUTTY, AGED 42 YEARS, S/O.MUHAMMED,
CHOLAKKAPARAMBIL HOUSE, NILAMBUR P.O.,
NILAMBUR TOWN, MALAPPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT :-

- 1. STATE OF KERALA, REPRESENTED BY
THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE,
KALIKAVU POLICE STATION,
MALAPPURAM DISTRICT - 676505.**
- 3. K.AYISUMMA, AGED 53 YEARS, W/O.HAMSA,
KALAPARAMBIL HOUSE, CHOKKADU P.O.,
NILAMBUR TALUK, MALAPPURAM DISTRICT - 676505.**

**R3 BY ADV. SRI.R.ARUN
R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7475 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1: TRUE COPY OF THE F.I.R.IN CRIME NO.190/2012 OF KALIKAVU
POLICE STATION.**

ANNEXURE-A2: TRUE COPY OF THE FINAL REPORT IN ANNEXURE-A1 CRIME.

ANNEXURE-A3: TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7475 of 2015
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Dated this the 27th day of November, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.743 of 2014 of the Judicial First Class Magistrate Court-I, Manjeri. 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 420 IPC on the complaint of one K.Ayishumma, who is the 3rd 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.743 of 2014 of the Judicial First Class Magistrate Court-I, Manjeri 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