

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Crl.MC.No. 7505 of 2015 ()

IN CC 538/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II (FOREST OFFENCES), PUNALUR

CRIME NO. 993/2011 OF PATHANAPURAM POLICE STATION , KOLLAM

PETITIONERS/ACCUSED:

- 1. PRATHAPAN @ CHANDHU AGED 41 YEARS
S/O.SREEDHARAN, RETHNAVILASAM (HOUSE), CHEMBRAMANNU
PUNNALA VILLAGE, KOLLAM**
- 2. KAMALASANAN AGED 55 YEARS
S/O.NEELAKANDAN, SWAPNA VILASAM (HOUSE), CHEBRAMANNU
PUNNALA VILLAGE, KOLLAM DISTRICT 691 001.**

BY ADV. SRI.SYAM J SAM

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. RETNAMMA
W/O.VIKRAMAN, KOKOTTU KIZHAKEKARA VEEDU, CHEMBRAMANNU
PUNNALA VILLAG, E KOLLAM - 691 001**

R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7505 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEUXRE A1: COPY OF THE CHARGE SHEET CC 538/12 OF JFMC COURT II,
PUNALUR**

**ANNEXURE A2: COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7505 of 2015

Dated this the 30th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.993/2011 of the Judicial First Class Magistrate Court-II, Punalur. 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 451, 294(b), 354, 506(i) and 34 IPC, on the complaint of one Retnamma, 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.993/2011 of the Judicial First Class Magistrate Court-II, Punalur 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

sd

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P.A. to Judge