

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

CrI.MC.No. 7597 of 2015

**CC 1807/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM
CRIME NO. 695/2012 OF KILIKOLLOOR POLICE STATION, KOLLAM**

PETITIONER/ACCUSED :

**MANIKANTAN, AGED 40 YEARS
S/O. SUKUMARAN,
RESIDING AT BANGLAVIL VADAKKATHIL
NAKSHATHRA NAGAR,
PARANKIMAMVILA,
KILIKOLLOOR
KOLLAM DISTRICT - 691 001**

**BY ADVS.SRI.BIMAL K.NATH
SRI.SREEVALSAN.V
SMT.M.K.SHIMI
SMT.SONIYA.M
SRI.D.SREENATH**

RESPONDENTS/COMPLAINANT/DE-FACTO COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**2. GEETHU, AGED 27 YEARS
W/O. REJULAL, LALLUMANDIRAM,
PAVITHRAM NAGAR 160
KILIKOLLOOR VILLAGE,
KOLLAM DISTRICT-691 001.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.
R2 BY ADV. SMT.DIVYA C BALAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DCS

Crl.MC.No. 7597 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:-

**ANNEXURE A1 : A COPY OF THE FINAL REPORT IN CC NO.1807 OF 2012
PENDING BEFORE THE JFCM-I, KOLLAM.**

ANNEXURE A2 : THE AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

P. UBAID, J.

Crl.M.C. No.7597 of 2015

Dated this the 3rd day of December, 2015

O R D E R

The petitioner is the sole accused in C.C No. 1807 of 2012 of the Judicial First Class Magistrate Court - I, Kollam. 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 294(b) and 506(1) of IPC on the complaint of one Geethu 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 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. 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. 1807 of 2012 of the Judicial First Class Magistrate Court - I, Kollam 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.

P. UBAID, JUDGE

DCS