

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Cr1.MC.No. 6564 of 2014

IN LP 70/2007 (C.C NO.548/2005) OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, VADAKARA

CRIME NO. 27/2004 OF VATAKARA POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

SAGEER, AGED 40 YEARS,
S/O.KAREEM, KATTUPARAMBIL (HOUSE),
MATHILAKAM,
THRISSUR DISTRICT.

BY ADV. SRI.E.C.BINEESH

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. N.SURESHBABU, AGED 49 YEARS,
S/O.RAGHAVAN, NALUNADAMMEL HOUSE,
VATAKARA AMSAM DESAM,
PAKKAYIL,
KOZHIKODE DISTRICT. PIN-673 101.

R2 BY ADV. SRI.P.T.MANOJ
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6564 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1- COPY OF THE CHARGE SHEET IN CRIME NO.27/2004 OF
VATAKARA POLICE STATION, KOZHIKODE DISTRICT.

ANNEXURE 2- COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 13TH DAY OF OCTOBER 2014.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6564 of 2014

Dated this the 5th day of March, 2015

O R D E R

The petitioner herein is the sole accused in C.C No. 548/2005 which stands transferred to the register of long pending cases as L.P No.70/2007 before the Judicial First Class Magistrate Court, Vatakara. 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 379, 468 and 471 of the Indian Penal Code on the complaint of one N.Sureshababu who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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 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, 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. 548/2005 (now pending as L.P No.70/2007) before the Judicial First Class Magistrate Court, Vatakara will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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