

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Crl.MC.No. 7161 of 2014 ()

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CC 596/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM
CRIME NO. 733/2011 OF VADAKKEKAD POLICE STATION , TRISSUR DISTRICT
=====**

PETITIONER/ACCUSED:

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RANAPRATHAP
S/O.MADHAVAN, MAMBATTA VEEDU, CHERAI
ANDATHODE P.O., CHAVAKKAD TALUK.**

BY ADV. SRI.V.C.MADHAVANKUTTY

RESPONDENTS/STATE AND COMPLAINANT:

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- 1. THE STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
VADAKKEKKAD POLICE STATION
THRISSUR DISTRICT-680001.**
 - 2. AHAMMED BIN HAMSA
S/O.HAMSA, PULIKKAL VEEDU, VADAKKEKKAD P.O.
CHAVAKKAD TALUK, THRISSUR DISTRICT-680001.**

**R2 BY ADV. SRI.SUMODH MADHAVAN NAIR
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.7161/2014

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A1	COPY OF THE FIRST INFORMATION REPORT DATED 16.08.2014
ANNEXURE A2	COPY OF THE CHARGE FILED BY THE POLICE
ANNEXURE A3	COPY OF THE AFFIDAVIT DATED 10.10.2014 SWORN BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7161 of 2014

Dated this the 6th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C.No.596/2014 of the Judicial First Class Magistrate Court, Kunnamkulam. 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 and Sections 3 and 17 of the Money Lenders Act on the complaint of one Ahammed Bin Hamsa, 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 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.596/2014 of the Judicial First Class Magistrate Court, Kunnamkulam 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

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"C.C.No.596/2014" occurring in the first line of paragraph 1 and in the 2nd line of operative portion of the final order dated 06.03.2015 in Crl.M.C.7161/2014 is corrected and substituted as "C.C.No.1778/2013" as per order dated 21.08.2015 in Crl.M.A.7757/2015 in Crl.M.C.7161/2014.

Sd/-

Registrar (Judicial)