

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 7227 of 2014 (B)

CC NO. 982/2011 of J.M.F.C.-I, VARKALA

PETITIONER(S)/PETITIONER/ACCUSED:

**SHAJI, S/O. CHELLAPPAKURUP,
KALAKKADVILA PUTHEN HOUSE,
MANGODU DESOM, OTTOOR VLLAGE,
VARKALA, THIRUVANANTHAPURAM.**

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SAROJINI AMMA, W/O CHELLAPPAKURUP,
'PUNARTHAM', MANGODU DESOM,
OTTOOR VILLAGE, VARKALA,
THIRUVANANTHAPURAM.**

**R2 BY ADV. SRI.V.S.THOSHIN
R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7227 of 2014 (B)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF CHARGE SHEET IN C.C.NO.982/2011 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I,
VARKALA.**

**ANNEXURE A2 : AFFIDAVIT SWORN TO BY THE SECOND RESPONDENT, DATED
6.12.2014.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7227 of 2014

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Dated this the 12th day of November, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.982 of 2011 of the Judicial First Class Magistrate Court-I, Varkala. 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 324 and 341 IPC on the complaint of one Sarojini Amma, 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 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.982 of 2011 of the Judicial First Class Magistrate Court-I, Varkala 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.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE