

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Crl.MC.No. 7248 of 2014 ()

**C.C.No.1077/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PUNALUR
CRIME NO. 733/2009 OF KUNNICODE POLICE STATION , KOLLAM DISTRICT**

PETITIONER/ACCUSED:

**ANEESH JOHN, AGED 33 YEARS
S/O.LATE JOHN, VILAYIL VEEDU, CHELIKKUZHI.P.O.
PATTAZHY VADAKKEKKARA, PATHANAPURAM
KOLLAM DISTRICT.**

**BY ADVS.SRI.K.T.THOMAS (KANNAMPALLIL)
SRI.V.SREEJA**

RESPONDENTS/COMPLAINANT & STATE:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.**

**2. SISILY BABU, AGED 40 YEARS
W/O.BABU, MAVILAYIL HOUSE, CHELIKKUZHI.P.O.
PATTAZHY VADAKKEKKARA, PATHANAPURAM, KOLLAM DISTRICT.**

**R2 BY ADV. SRI.MANOJ RAMASWAMY
R2 BY ADV. SRI.SETHU MOHAN
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7248 of 2014 ()

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A1- A TRUE COPY OF THE F.I.R. NO.733/2009 DATED 23.12.2009.

ANNEXURE A2- A TRUE COPY OF THE AFFIDAVIT BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.7248 of 2014

Dated this the 11th day of September, 2015

O R D E R

The petitioner herein is the accused in C.C.No.1077/2014 of the Judicial First Class Magistrate Court-II, Punalur. 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 354, 427 and 323 IPC, on the complaint of one Sisily Babu, 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.1077/2014 of the Judicial First Class Magistrate Court-II, Punalur 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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