

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 557 of 2015 ()

**IN CC 86/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,ERNAKULAM
CRIME NO. 535/2009 OF ERNAKULAM NORTH POLICE STATION, ERNAKULAM**

PETITIONER(S):

**JEEVANANDAN, AGED 56 YEARS
S/O DIVAKARAN POTTI, EDAMANA HOUSE, PUTHENCHIRA KARA
MUKUNDAPURAM TALUK, TRISSUR DISTRICT
NOW RESIDING AT PALLIYIL HOUSE, ELAMKUMMAPUZHA P.O.
VYPIN, ERNAKULSM 682503**

BY ADV. SRI.P.V.ARUN KUMAR

RESPONDENT(S)/DE FACTO COMPLAINANT & STATE:

- 1. RAMESH BABU, AGED 54 YEARS
RAMESH BABU, GOKULAM, KALOOR
ERNAKULAM**
- 2. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
E.T.NORTH POLICE STATION
ERNAKULAM DISTRICT REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031**

**R1 BY ADV. SRI.N.KRISHNA PRASAD
R2 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 557 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF THE FINAL CHARGE IN C.C. 86/2010 PENDING
BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT-1, ERNAKULAM**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.557 of 2015

Dated this the 29th day of January, 2015.

O R D E R

The petitioner herein is the sole accused C.C No. 86/2010 of the Judicial First Class Magistrate Court-I, Ernakulam. 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 447, 427, 294(b) and 506 IPC, on the complaint of one Ramesh Babu who is the first 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 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. 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.86/2010 of the Judicial First Class Magistrate's Court, Ernakulam 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

sab