

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2679 of 2015 ()

**CC.NO. 549/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM
CRIME NO. 63/2007 OF CENTRAL POLICE STATION, ERNAKULAM DISTRICT**

PETITIONER/ACCUSED NO.5:

**PEETHAMBARAN, AGED 47 YEARS,
S/O KUNJIRAMAN, NAMBIA, MAVILA HOUSE,
PARAKADY, POYYAM P.O., KANNUR.**

BY ADV. SRI.P.A.MARTIN ROY

RESPONDENTS/COMPLAINANT AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUKUMARAN, AGED 69 YEARS,
S/O NARAYANAN, ARADHANA HOSUE, DEEPAN ROAD,
PONNURUNNI DESAM, POONITHURA VILLAGE,
WORKING AS ADMINISTRATIVE MANAGER,
SILPPY CONSTRUCTION CONTRACTORS, M.G.ROAD,
KOCHI-682 035.**

**R1 BY PUBLIC PROSECUTOR SRI.K.K.ABDUL RAHMAN
R2 BY ADV. SRI.V.A.SEBASTINE**

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

sts

Crl.MC.No. 2679 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX I: TRUE COPY OF THE FIR IN CRIME NO.63/2007 OF CENTRAL POLICE STATION.

ANNEX II: TRUE COPY OF THE CHARGE SHEET FILED BY THE POLICE BEFORE THE HON'BLE JFCM II, ERNAKULAM WHICH IS PENDING AS CC NO.549/2007.

ANNEX III: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN CRL.M.C.1158/2015.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

Crl. M.C No.2679 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the fifth accused in C.C No.549 of 2007 of the Judicial First Class Magistrate Court-II, Ernakulam. He seeks orders quashing the prosecution against him on the ground of amicable settlement of the whole dispute between him and the de facto complainant. The case against the accused Nos. 2 to 4 stands already quashed by this court as per the order dated 25.2.2015 in Crl.M.C No.1158 of 2015 on the ground of amicable settlement. Crime in this case was registered under Sections 381, 411 and 34 of IPC on the complaint of one Sukumaran who is the second 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 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.549 of 2007 of the Judicial First Class Magistrate Court-II, Ernakulam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

Sd/-

P.UBAID,
JUDGE