

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Cr1.MC.No. 4366 of 2015

IN C.C NO. 221/2015 of JUDL.M.F.C.-I, ERNAKULAM

CRIME NO.1331/2014 OF MULAVUKAD POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

SABU A.S, AGED 43 YEARS,
ADVOCATE, S/O. SREEDHARAN,
ANNIKKAD PARAMBIL (HOUSE),
PANAMBUKAD, VALLARPADAM, ERNAKULAM.

BY ADV. SRI.PETER T.THOMAS

RESPONDENTS:

1. SAJU A.S
S/O. SREEDHARAN, ANNIKKAD PARAMBIL HOUSE,
PANAMBUKAD,
VALLARPADAM, ERNAKULAM.
2. SUDHA, AGED 41 YEARS,
W/O. SAJU, ANNIKKAD PARAMBIL HOUSE, PANAMBUKAD,
VALLARPADAM, ERNAKULAM.
3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1-R2 BY ADV. SMT.KEERTHI SOLOMON
R3 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4366 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1331/2014 OF MULAVUKAD POLICE STATION.

ANNEXURE A2: COPY OF THE CHARGE SHEET IN C.C. NO.221/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, ERNAKULAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4366 of 2015

Dated this the 21st day of July, 2015

O R D E R

The petitioner herein is the accused in C.C No.221/2015 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 452, 324 and 354 of the Indian Penal Code on the complaint of one Sudha 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. The other victim of offence in this case is the 1st respondent. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

3. 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 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. 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.221/2015 of the Judicial First Class Magistrate Court I, 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**

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