

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6269 of 2015 ()

**C.C.NO. 499/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA
CRIME NO. 1028/2014 OF CHAVARA POLICE STATION , KOLLAM**

PETITIONER(S):

**SHAJAHAN, AGED 52 YEARS,
S/O.ABOOBACKER, SHERIN MANZIL, KULANGARA BHAGAM,
CHAVARA VILLAGE, KOLLAM.**

BY ADV. SRI.M.KIRANLAL

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. BABLU, AGED 22 YEARS,
D/O.VELAPPAN, SHANMUGHA VILASAM, PUTHENTHURA,
NEENDAKARA, KOLLAM-691582.**

**R2 BY ADV. SRI.V.K.UNNIKRISHNAN (KOLLAM)
R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE:

ANNEXURE A1: CERTIFIED COPY OF THE FIR 1208/2014 OF CHAVARA POLICE STATION

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT FILED BY THE CHAVARA POLICE.

ANNEXURE A3: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C.No. 6269 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioner herein is the accused in C.C No. 499/2014 of the Judicial First Class Magistrate Court, Chavara. 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 Section 354 A(iv)IPC; on the complaint of one Bablu 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/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 proceedings 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. 499/2014 of the Judicial First Class Magistrate Court, Chavara 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

//True copy//

P.A. To Judge

AK