

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Crl.MC.No. 935 of 2015 ()

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CC 104/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR
CRIME NO. 529/2009 OF CHENGANNOOR POLICE STATION , ALAPPUZHA DISTRICT
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PETITIONERS/ACCUSED A1 TO 3:

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- 1. JAMES, AGED 66 YEARS
S/O.JOSEPH, ELAPPARA VEEDU, PUTHENPPADY
KAKKADU MURI, THAMARASSERY VILLAGE
KOZHIKODU DISTRICT.**
 - 2. SUBY JAMES, AGED 29 YEARS
D/O.JAMES, ELAPPARA VEEDU, PUTHENPPADY
KAKKADU MURI, THAMARASSERY VILLAGE
KOZHIKODU DISTRICT.**
 - 3. SHIBY JAMES, AGED 30 YEARS
D/O.JAMES, ELAPPARA VEEDU, PUTHENPPADY
KAKKADU MURI, THAMARASSERY VILLAGE
KOZHIKODU DISTRICT.**

**BY ADVS.SRI.AJITH MURALI
SRI.K.V.ANIL KUMAR**

RESPONDENTS/COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.682 031.**
 - 2. VINU YOHANNAN, AGED 38 YEARS
S/O.ABRAHAM YOHANNAN
PANACHIMOOTTIL PUTHEN VEEDU, PANDANADU MURI
PANDANADU VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT - 689 121.**

**R2 BY ADV. SRI.P.V.DILEEP
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 935 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A: THE PHOTO COPY OF THE COMPLAINT IN CMP NO.5655/2009 FILED
BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHENGANNUR DATED 24.6.2009**

**ANNEXURE-B: A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.529/2009
OF CHENGANNUR POLICE STATION.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.935 of 2015

Dated this the 13th day of February, 2015

O R D E R

The petitioners are the accused Nos.1 to 3 in C.C.104/2010 of the Judicial First Class Magistrate Court, Chengannur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the defacto complainant. Crime in this case was registered under Sections 420 and 34 IPC on the complaint of one Vinu, who is the 2nd 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 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 petitioners herein in C.C.104/2010 of the Judicial First Class Magistrate Court, Chengannur, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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