

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 942 of 2015 ()

AGAINST CC 394/2011 of J.M.F.C.-III,THRISSUR
CRIME NO. 120/2011 OF PEECHI POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED 1 & 2:

1. T.R.MOHAN RAJ AGED 61 YEARS
S/O. RAGHAVAN, AMRITHEDU HOUSE, P.O.CHEMBUKKAVU
CHERUMUKKU TEMPLE LANE, CHEMBUKKAVU DESAM
CHEMBUKKAVU VILLAGE, THRISSUR DISTRICT.
2. SUNITHA MOHAN RAJ AGED 51 YEARS
W/O. MOHAN RAJ, AMRITHENDU HOUSE, P.O.CHEMBUKKAVU
CHERUMUKKU TEMPLE LANE, CHEMBUKKAVU DESAM
CHEMBUKKAVU VILLAGE, THRISSUR DISTRICT.

BY ADVS.SRI.P.G.SURESH
SRI.V.HARISH
SRI.G.SUDHEER (THURAVOOR)
SRI.RAJAN VISHNURAJ

RESPONDENT(S)/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE PEENCHY
THRISSUR DISTRICT, THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. BABU VARGHESE, AGED 52 YEARS
S/O. VARGHESE, VADAKKEKARA PUTHENPURAYIL HOUSE
PAMBUKKUDA DESAM, P.O PAMBUKKUDA, ONAKKOOR VILLAGE
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

R2 BY ADV. SRI.P.S.ANISHAD
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 - THE CERTIFIED COPY OF TH FIR IN CRIME NO. 120/2011 OF PEECHI POLICE STATION.

ANNEXURE A2 - THE CERTIFIED COPY OF THE FINAL REPORT FILED BY THE POLIE IN CC NO. 394/2011 BEFORE THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT, NO.III, THRISSUR.

ANNEXURE A3 - A TRUE COPY OF THE PARTNERSHIP DEED DT. 23.5.09.

ANNEXURE A4 - A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED IN FAVOUR OF THE 1ST PETITIONER.

ANNEXURE A5 - A TRUE COPY OF THE TAX RECEIPT ISSUED TO THE 1ST PETITIONER.

ANNEXURE A6 - A TRUE PHOTOCOPY OF THE FRESH PARTNERSHIP DEED DT. 25.11.10.

ANNEXURE A7 - THE TRUE COPY OF THE SAID SETTLEMENT DEED DT. 30.5.11 SIGNED BY THE PETITIONERS AND THE 2ND RESPONDENT HEREIN EXECUTED IN OS NO. 422/2011 BEFORE THE HONOURABLE MUNSIFF COURT, THRISSUR.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.942 of 2015**  
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Dated this the 31st March, 2015

ORDER

The petitioners herein are the two accused in C.C No.394 of 2011 of the Judicial First Class Magistrate Court-III, Thrissur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 468, 511 and 420 read with Section 34 of Indian Penal Code on the complaint of one Babu Varghese, 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 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 petitioners herein in C.C 394 of 2011 of the Judicial First Class Magistrate's Court-III, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

**SD/-
P.UBAID
JUDGE**

ma

/True copy/ P.S to Judge

