

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Cr1.MC.No. 1097 of 2015 ()

IN CC 529/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
KOOTTHATUKULAM (TEMPORARY)

PETITIONER(S)/ACCUSED:

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1. DEEPAK,
AGED 32 YEARS, S/O.BABY,
KONAMPURATH MADATHILPARAMBIL HOUSE,
THEKKUMMOOTILPADY, PIRAVOM VILLAGE & P.O.,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT
KERALA-686 664.
 2. JOBIN VARGHESE,
AGED 34 YEARS, S/O.VARGHESE,
KIZHAKKEKARAYIL HOUSE,
NEAR PAZHOOR TEMPLE, PIRAVOM VILLAGE & P.O.,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT,
KERALA-686 664.
 3. VIPIN JOSE.
AGED 29 YEARS, S/O.JOSE, CHAKKALACKAL HOUSE,
NEAR PRIVATE BUS STAND,
PIRAVOM VILLAGE & P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, KERALA-686 664.

BY ADV. SRI.JOHN T.PAUL.

RESPONDENT(S)/CW NO.1/DEFACTO COMPLAINANT:

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1. STATE,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
 2. AIJO THOMAS,
AGED 33 YEARS, S/O.THOMAS, ANGADIYATH HOUSE,
NEAR ERAPPAMKUZHI JUNCTION, PERIYAPPURAM KARA,
ELANJI VILLAGE & P.O., ERNAKULAM DISTRICT,
KERALA-686 665.

BY SENIOR PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' ANNEXURES :

ANNEXURE A-I : TRUE COPY OF THE FIR NO.635 DATED 23-12-2012 IN
CC.NO.529 OF 2014 BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, KOTHATTUKULAM.

ANNEXURE A-II : A TRUE COPY OF THE FINAL REPORT IN CC NO.529 OF
2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KOTHATTUKULAM.

ANNEXURE A-III : THE ORIGINAL AFFIDAVIT DATED 20-02-2015 BY THE
2ND RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENT(S) ' ANNEXURES :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.UBAID, J.
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**Crl.M.C No.1097 of 2015**  
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Dated this the 23rd February, 2015

ORDER

The petitioners herein are the three accused in C.C No.529 of 2014 of the Judicial First Class Magistrate's Court, Koothattukulam. 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 447, 341, 294(b) and 323 read with 34 of Indian Penal Code on the complaint of one Aijo Thomas, 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 No.529 of 2014 of the Judicial First Class Magistrate's Court, Koothattukulam 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

ma

/True copy/

P.S to Judge