

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

CRL.MC.NO. 1260 OF 2015

CC 1326/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOCHI

PETITIONER(S)/ACCUSED NO.1 AND 2:

- 1. SUBASH JOSEPH, AGED 64 YEARS,
S/O.K.B.JOSEPH, H.NO.22/1374, EDACOCHI, KOCHI 10.**
- 2. PETRITIA SUBASH, AGED 63 YEARS
W/O.SUBASH, H.NO.22/1374, EDACOCHI, KOCHI 10.**

BY ADV. SRI.M.H.HANIS

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA**
- 2. SHERLY JOSE, AGED 68 YEARS,
D/O.K.B.SUBASH COLONY, SOUTH JANATHA ROAD,
PALARIVATTOM, ERNAKULAM - 682 025.**
- 3. SANTHOSH JOSEPH, AGED 58 YEARS,
S/O.K.B.JOSEPH, KUZHUVELIPADAM HOUSE
MOOLANKUZHAY NORTH, KOCHI - 682 005.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2, R3 BY ADVS. SRI.P.V.SANTHOSH JOSE
SMT.DIVYA B.NAIR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AS

CRL.MC.NO. 1260 OF 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE CHARGE FILED IN CC 1326/14 BY THE
KOCHI CUSBA POLICE DATED 25/10/2013.**

ANNEXURE B: THE TRUE COPY OF THE JUDGMENT DATED 27/11/2014

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

AS

P. UBAID, J.

Crl.M.C.No.1260 of 2015

Dated this the 1st day of April, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C. No.1326/2014 of the Judicial First Class Magistrate Court-II, Kochi. 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 403, 406, 419, 420, 427, 465, 468, 471, 477A and 120(b) read with 34 IPC on the complaint of one Shirly Jose, 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. The other victim of offence, who is the 3rd respondent in this proceeding, 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.

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. No.1326/2014 of the Judicial First Class Magistrate Court-II, Kochi 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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