

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No.1310 of 2015 ()

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AGAINST THE ORDER IN CC 1692/2012 of J.M.F.C.-I,PATHANAMTHITTA
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PETITIONERS/DEFACTO COMPLAINANT AND INJURED :

- 1. BABY, S/O. UNNOONNI,
PUTHUPPARAMBIL HOUSE,
KALANJOOR VILLAGE, PATHANAMTHITTA DISTRICT.**
- 2. SISILY, W/O. BABY,
PUTHUPPARAMBIL HOUSE, KALANJOOR VILLAGE
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENTS/ACCUSED NOS.1 TO 3 & STATE :

- 1. RAJEEVAN
S/O. GOPALAKRISHNAPILLAI, PLAVILAMELETHIL HOUSE
KOTTAVATTOM, VILAKKUDI VILLAGE.**
- 2. BABU
S/O. BHASKARAN, KARTHIKA NIVAS, MOOLAPATTA KAMBILINE
PERUNTHOYI, KARAVOOR, PIRAVANTHOOR VILLAGE
PIN-689 696.**
- 3. JAYAN @ KUNJU
RAJANI BHAVAN, KARAVOOR, PIRAVANTHOOR-689 696.**
- 4. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 & 3 BY ADV. SRI.N.MANU THAMPI
R4 BY PUBLIC PROSECUTOR SMT.S.HYMA**

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

VS

Crl.MC.No.1310 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1 : COPY OF THE FIR AND FIS DTD.30.9.2012 IN CRIME NO.473 OF
2012 OF KODAL POLICE STATION, PATHANAMTHITTA.**

**ANNEXURE 2 : COPY OF THE FINAL REPORT DTD.21.11.2012 IN CRIME NO.473
OF 2012 OF KODAL POLICE STATION, PATHANAMTHITTA.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

Crl.M.C.No.1310 of 2015

Dated this the 3rd day of March, 2015

ORDER

The petitioners herein are aged husband and wife. A crime was registered under Sections 457, 461, 380, 411 r/w 34 IPC by the Koodal Police, on the complaint of the first petitioner herein. Some of the stolen articles were received by the Police during investigation. On the final report submitted by the Police, the Judicial First Class Magistrate Court-I, Pathanamthitta took cognizance against three accused, and the case is now pending as CC.No.1692 of 2012. The petitioners now do not want to prosecute the matter further. The whole dispute stands well settled by them and the accused. The respondents 1 to 3 herein are the accused in the case. They support the petitioner, to quash the prosecution. The petitioners have no grievance or complaint now, and the whole dispute now stands amicably settled.

2. The aged couple have received their lost property, and they stand adequately compensated. At

their old age, their concern is not to continue the prosecution but, a peaceful life. For that, they opted not to continue the prosecution. In such a situation, continuance of the prosecution will be a sheer waste of time. Applying the decisions of the honorable Supreme Court on the part, the prosecution can be quashed because, nobody will support the prosecution, if the case goes to trial.

In the result, the petition is allowed. The prosecution in CC.No.1692/2012 of the Judicial First Class Magistrate-I, Pathanamthitta will stand quashed under Section 482 Cr.P.C. Accordingly, the respondents 1 to 3 will stand released from such prosecution.

Sd/-
P.UBAID
JUDGE

/TRUE COPY/

PA TO JUDGE

VS