

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Cr1.MC.No. 1345 of 2015

IN C.C NO.314/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
PIRAVOM
CRIME NO.1034/2013 OF MULANTHURUTHY POLICE STATION

PETITIONERS/ACCUSED NOS.1 &2:

1. ELDOS MATHEW, AGED 40 YEARS,
S/O.MATHEW, RESIDING AT NETTADYIL HOUSE,
MANEEDU P.O, PIRAVOM,
MANEEDU VILLAGE, PEPPATHY DESOM,
ERNAKULAM DISTRICT.
2. SUMESH.P.S, AGED 29 YEARS,
S/O.SUKU, RESIDING AT PANDANKUDIYIL HOUSE,
ARAKUNNAM P.O, MULANTHURUTHY,
PIN - 682 313
MULANTHURUTHY VILLAGE, THURUTHIKARA DESOM,
NOW RESIDING AT THE HOUSE OF PADATHUMKATTIL BABU.

BY ADVS.SRI.P.S.SISHOY
SRI.ANTO THOMAS

RESPONDENTS/COMPLAINANT:

1. THE SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION,
ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. ANEESH, AGED 24 YEARS,
S/O.RADHAKRISHNAN,
RESIDING AT VADAKKETHALACKAL,
PERUMPALLY DESOM,
MULANTHURUTHY VILLAGE - 682 314.

R2 BY ADV. SRI.VARGHESE P.CHACKO
R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1345 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1033/2013

ANNEXURE A2: COPY OF THE REPORT DATED 10.12.2013

ANNEXURE A3: AFFIDAVIT DATED 24.2.2015

ANNEXURE A4: COPY OF THE FINAL CHARGE SHEET IN CRIME NO.1034/2013

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1345 of 2015

Dated this the 4th day of March, 2015

O R D E R

The petitioners herein are the two accused in C.C No.314/2014 of the Judicial First Class Magistrate Court, Piravom. 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 341, 323 and 326 r/w 34 of the Indian Penal Code on the complaint of one Aneesh 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.314/2014 of the Judicial First Class Magistrate Court, Piravom 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.

**P.UBAID
JUDGE**

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