

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Cr1.MC.No. 1431 of 2015

CRIME NO. 162/2015 OF MUNDAKAYAM POLICE STATION , KOTTAYAM

PETITIONERS/ACCUSED NOS. 1 AND 2:

1. THOMAS SHAH, AGED 43 YEARS,
S/O.VARKEY THOMAS, PALAKKAL HOUSE, PARATHODU P.O,
EDAKKUNNAM KARA, VELICHIYANI BHAGOM,
EDAKKUNNAM VILLAGE, KANJIRAPPALLY TALUK.
2. THOMAS, AGED 76 YEARS,
S/O.VARKEY, PALAKKAL HOUSE, INCHYANI P.O,
EDAKKUNNAM KARA, VELICHIYANI BHAGOM,
EDAKKUNNAM VILLAGE, KANJIRAPPALLY TALUK.

BY ADV. SRI.D.KISHORE

RESPONDENTS/STATE, DEFACTO COMPLAINANT & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. MATHEW O.J, AGED 70 YEARS,
S/O.LATE JOSEPH, ULLATTU HOUSE, CHITTADY P.O,
EDAKKUNNAM KARA, MUNDAKAYAM VILLAGE,
KANJIRAPPALLY TALUK - 686 513.
3. THE SUB INSPECTOR OF POLICE,
MUNDAKAYAM, MUNDAKAYAM POLICE STATION,
MUNDAKAYAM P.O.
KOTTAYAM DISTRICT,
PIN - 686 507.

R1 & R3 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY SRI.LIJI.J.VADAKEDOM

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1431 of 2015

APPENDIX

PETITIONERS ANNEXURES:

ANNEXURE I: THE CERTIFIED COPY OF THE FIR IN CRIME NO. 162/2015 OF MUNDAKKAYAM POLICE STATION.

ANNEXURE II: THE CERTIFIED COPY OF THE CMP DATED 05/02/2015 FILED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANJIRAPPALLY.

ANNEXURE III: THE COPY OF THE OS NO. 299/2014 FILED BY THE PETITIONERS BEFORE THE MUNSIFFS COURT, KANJIRAPPALLY.

ANNEXURE IV: THE COPY OF THE INJUNCTION ORDER DATED 18/10/2014 IN IA.NO. 1264/2014 IN OS NO. 299/2014 BEFORE THE MUNSIFF COURT, KANJIRAPPALLY.

ANNEXURE V: THE COPY OF THE COMPROMISE PETITION DATED 02/03/2015 FILED IN OS NO. 299/2014 BEFORE THE MUNSIFF'S COURT, KANJIRAPPALLY.

ANNEXURE VI: THE AFFIDAVIT DATED 02/03/2015 SUBMITTED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1431 of 2015

Dated this the 6th day of March, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.162/2015 of the Mundakkayam Police Station, registered under Sections 420, 406 and 403 r/w 34 of the Indian Penal Code on the complaint of one Mathew. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Mathew 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.

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; be it at the crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any

purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.162/2015 of the Mundakkayam Police Station, will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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