

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1754 of 2015

C.C.NO.69/1998 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA

CRIME NO. 16/1998 OF THIDANAD POLICE STATION , KOTTAYAM

PETITIONER(S)/ACCUSED :

**TOMY MATHEW,
S/O.MATHEW, KOKKATTU HOUSE, PINNAKKANADU,
KALAKETTY P.O., KOTTAYAM DISTRICT.**

**BY ADVS.SRI.SHAJI THOMAS
SRI.BINU PAUL
SRI.T.V.VINU
SRI.GEORGE PULIKUTHIYIL**

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**
- 2. K.V.GEORGE,
S/O.VARKEY, KALAPURAKKAL HOUSE, CHEMMALAMATTOM P.O,
KOTTAYAM DISTRICT, PIN - 686 508.**

**R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY ADV. SRI.JOHN JOSEPH(ROY)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: CERTIFIED COPY OF THE PRIVATE COMPLAINT
DATED 06/03/1998 FILED BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT BEFORE THE MAGISTRATE COURT,
ERATTUPETTA.**

**ANNEXURE A2: CERTIFIED COPY OF THE POLICE CHARGE (FINAL REPORT)
DATED 09/03/1998 IN CRIME NO. 16/1998.**

**ANNEXURE A3: THE AFFIDAVIT SWORN TO BY THE DEFACTO COMPLAINANT
DATED 12/03/2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P. UBAID, J.

Crl.M.C.No.1754 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C No.69/1998 of the Judicial First Class Magistrate Court, Erattupetta. The case now stands transferred to the register of long pending cases as L.P.No.11/2000. The petitioner seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 409 and 420 IPC on the complaint of one George, 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 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 petitioner herein in L.P.No.11/2000 of the Judicial First Class Magistrate Court, Erattupetta will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd