

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Cr1.MC.No. 624 of 2014 ()

CC 2260/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THRISSUR
CRIME NO. 966/2012 OF TOWN EAST POLICE STATION, THRISSUR

PETITIONERS/ACCUSED 1 TO 4:

1. BOSCO PETER JOSEPH, AGED 46 YEARS,
S/O. PETER JOSEPH, MAITHRY PARK, S.T.ROAD
CHEMBOOR, MUMBAI.
2. PHILOMINA, AGED 45 YEARS
D/O. PETER JOSEPH, MAITHRY PARK, S.T.ROAD
CHEMBOOR, MUMBAI.
3. RITA PETER, AGED 42 YEARS
D/O. PETER JOSEPH, MAITHRY PARK, S.T.ROAD
CHEMBOOR, MUMBAI.
4. AMMU PETER, AGED 65 YEARS
W/O. PETER JOSEPH, MAITHRY PARK, S.T.ROAD
CHEMBOOR, MUMBAI.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENT(S) :

1. STATE OF KERALA, REPRESENTATED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. INU ANNIE STEPHEN , D/O. STEPHEN KUNJARIA, VADAKARA HOUSE,
CHEMBUKAVU DESOM, VILVATTOM VILLAGE, THRISSUR-680001.

R BY PUBLIC PROSECUTOR SMT. S. HYMA.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 624 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1- CERTIFIED COPY OF FIR & FIS IN CRIME NO. 966/2012 OF
TOWN EAST POLICE STATION, THRISSUR.

ANNEXURE A2- CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 966/2012 OF
TOWN EAST POLICE STATION, THRISSUR.

ANNEXURE A3- TRUE COPY OF AGREEMENT DATED 4.9.2014

ANNEXURE A4- TRUE COPY OF AFFIDAVIT DATED 25.10.2014 OF 2ND
RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

P.UBAID, J.

Crl.M.C.No.624 of 2014

Dated this the 6th day of April, 2015.

ORDER

The petitioners herein are the accused Nos. 1 to 4 in C.C.No.2260 of 2012 of the Judicial First Class Magistrate Court-I, Thrissur. 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 294(b), 506 (ii) r/w 34 IPC on the complaint of one Inu Annie Stephen, who is the second 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.

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.2260 of 2012 of the Judicial First Class Magistrate Court-I, Thrissur 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**

Scl.