

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Cr1.MC.No. 1870 of 2015

CRIME NO.970/2013 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA

PETITIONER:

1. SUSAN THOMAS, AGED 49 YEARS,
W/O. LATE THOMAS VARGHESE,
RESIDING AT AENCHERIL THOMAS VILLA,
KIZHAKKUMMURI, KAVUMBHAGOM P.O,
THIRUVALLA, PATHANAMTHITTA DISTRICT,
PIN - 689 101.
2. LIGI ABRAHAM, TAHSILDAR,
THIRUVALLA TALUK OFFICE,
THIRUVALLA, PATHANAMTHITTA DISTRICT,
NOW RESIDING AT MOOTHEDATHUCHETTUKANDATHI HOUSE,
ERAVIPEROOR P.O, THIRUVALLA,
PATHANAMTHITTA, PIN -689 645.
3. MANOJKUMAR, VILLAGE OFFICER,
VILLAGE OFFICE KAVUMBHAGOM, THIRUVALLA,
RESIDING AT MANJIMMA, PERINGARA P.O,
PERINGARA VILLAGE, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 645.
4. R.JAYAKUMAR, AGED 44 YEARS, S/O.K.R.C PANICKER,
RESIDING AT JAYA VIHAR KIZHAKKUMMURI,
KAVUMBHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 101.
5. VINODKUMAR, AGED 49 YEARS,
CHUTTIYIL HOUSE, KIZHAKKUMMURI,
KAVUMBHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 101

BY ADVS.SRI.K.N.RADHAKRISHNAN (THIRUVALLA)
SRI.RAVI KRISHNAN

RESPONDENTS:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SOSAMMA VARGHESE, AGED 89 YEARS,
W/O.GEEVARGHESE, ALENCHERIL HOUSE,
KIZHAKKUMMURI, KAVUMBHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 101
3. GEORGE VARGHESE,
S/O.GEEVARGHESE, ALENCHERIL HOUSE,
KIZHAKKUMMURI, KAVUMBHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 101
4. SARAMMA PHILIP, AGED 71 YEARS,
D/O.GEEVARGHESE, ALENCHERIL HOUSE,
KIZHAKKUMMURI, KAVUMBHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 101

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 TO R4 BY SRI.RAVI KRISHNAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1870 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.970/2013 OF THIRUVALLA
POLICE STATION.

ANNEXURE A2: AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE A3: AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE A4: AFFIDAVIT OF THE 4TH RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1870 of 2015

Dated this the 13th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.970/2013 of the Thiruvalla Police Station, registered under Sections 465, 467, 468, 120(B) and 420 r/w 34 of the Indian Penal Code on the complaint of one Sosamma Varghese. 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 Sosamma Varghese is the 2nd 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

2. The other victims of offence in the case are the respondents 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the dispute with the accused, and they have no grievance or complaint now.

3. 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.970/2013 of the Thiruvalla Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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