

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. 1948 of 2015

IN C.C 753/2013 of J.M.F.C., THIRUVALLA

CRIME NO. 868/2013 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED:

GEORGE VARGHESE, AGED 64 YEARS,
S/O. GEEVARGHESE VARGHESE, AALACHERIL THOMAS VILA
KIZHKKUMMURI, KAVUMBAHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT, PIN-689 101

BY ADV. SRI.RAVI KRISHNAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT AND INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. R. JAYAKUMAR, AGED 44 YEARS,
S/O.K.R.C PANICKER, RESIDING AT JAYA VIHAR,
KIZHKKUMMURI,
KAVUMBHAGOM P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT, PIN-689 101.
3. RADHAKUMAR, AGED 72 YEARS,
W/O. K.R.C PANICKER, RESIDING AT JAYA VIHAR
KIZAKKUMMURI,
KAVUMBHAGOM P.O,
THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN-689101

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2,3 BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

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

Crl.MC.No. 1948 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY CHARGE IN C.C 753/13 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, THIRUVALLA

ANNEXURE A2:AFFIDAVIT OF 2ND RESPONDENT

ANNEXURE A3: AFFIDAVIT OF THIRD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1948 of 2015

Dated this the 13th day of July, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.753/2013 of the Judicial First Class Magistrate Court, Thiruvalla. He 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 452, 324, 354, 294(b), 323 and 506(ii) of the Indian Penal Code on the complaint of one Jayakumar 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. The victim of offence in this case is the 3rd respondent in this proceeding. She has also filed affidavit to the effect that she has settled the whole dispute with the accused she has 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 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 petitioner herein in C.C No.753/2013 of the Judicial First Class Magistrate Court, Thiruvalla will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-s
P.UBAID
JUDGE

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