

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 2151 of 2015 ()

**IN CC 368/2014 of J.M.F.C.,THIRUVALLA
CRIME NO. 956/2013 OF KEEZHVAIPUR POLICE STATION , PATHANAMTHITTA**

PETITIONER(S)/PETITIONERS/ACCUSED:

- 1. MATHEWS M @ MANU MATHEW AGED 21 YEARS
S/O C.M.MAMMEN, CHETTAYIL HOUSE, ANICKAD
MALLAPPALLY-689585.**
- 2. PHILIP G. KANNAMALA AGED 21 YEARS
S/O GEORGE PHILIP, KANNAMALA HOUSE, MANTHANAM P.O.
KUNNANTHANAM, PATHANAMTHITTA DISTRICT.**
- 3. ANISH K. MATHEW AGED 21 YEARS
S/O K.M.CHACKO, KALLUMANNIL MEPURATH
MALLAPPALLY WEST P.O., PATHANAMTHITTA.**
- 4. ASHIS PHILIP KURIAN AGED 21 YEARS
S/O K.P.KURIEN, KALLOOR HOUSE, PURAMATTOM
PATHANAMTHITTA**

BY ADV. SRI.S.DHEERENDRAKUMAR

RESPONDENT(S)/RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

- 1. AKHIL C RAVIKUMAR
ARYANILAYAM, KOLABHAGOM P.O., THADIYOOR
PATHANAMTHITTA DISTRICT.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2151 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: CERTIFIED COPY OF FIR IN CC NO.368/2014 OF THE JUDICIAL MAGISTRATE'S COURT, THIRUVALLA DATED 18.12.2014.

ANNEXURE B: CERTIFIED COPY OF FINAL REPORT IN CC NO.368/2014 OF THE JUDICIAL MAGISTRATES COURT, THIRUVALLA 18.12.2014.

AANNEXURE C: AFFIDAVIT SWORN BY THE DE-FACTO COMPLAINANT DATED 19.2.2015.

ANNEXURE D: A TRUE COPY OF THE FIR IN CC NO.339/2014 ON THE FILE OF HON'BLE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, THIRUVALLA DATED 27.2.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.2151 of 2015

Dated this the 1st day of April, 2015.

O R D E R

The petitioners herein are the accused in C.C No.368 of 2014 of the Judicial First Class Magistrate Court, Thiruvalla. 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 153 and 427 of IPC on the complaint of one Akhil C. Ravikumar who is the first 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 the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the

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. The counter case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.368 of 2014 of the Judicial First Class Magistrate Court, Thiruvalla 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