

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.MC.No. 2440 of 2015 ()

**IN CC 235/2010 of J.M.F.C.-I,PATHANAMTHITTA
CRIME NO. 1013/2009 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA**

PETITIONER(S):

- 1. BINSU BABU AGED 27 YEARS
S/O BABU GEORGE, VALIYAPARAMBIL HOUSE
MEKKOZHOOOR, MANNARAKKULANJI, MYLAPRA VILLAGE
PATHANAMTHITTA DISTRICT**
- 2. GEORGE VARGHESE, AGED 58 YEARS
S/O GEORGE, THEVADATHU HOUSE, CHERADI
MANNARAKULANJI, MALAYALAPPUZHA VILLAGE, PATHANAMTHITTA
DISTRICT**
- 3. SANU ALEX, AGED 25 YEARS
S/O ALEX MATHEW, THEVADATHU HOUSE, NILATHIL PADI
MANNARAKKULANJI, MYLAPRA VILLAGE, PATHANAMTHITTA**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT(S):

- 1. BIJU DANIEL, AGED 42 YEARS, CHARUVUPURAYIDATHIL
AMBAZHATHUMOTTIL PADI, MANNARAKULANJI
MYLAPRA VILLAGE, PATHANAMTHITTA DISTRICT 689 645**
- 2. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA**

**R1 BY ADV. SRI.AJEESH K.SASI
R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2440 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

**A1: TRUE COPY OF THE FIR IN CRIME NO.1013 OF 2009 OF PATHANAMTHITTA
POLICE STATION DATED 27.10.2009**

**A2: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1013 OF 2009 DATED
2.5.2010**

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.2440 of 2015

Dated this the 10th day of April, 2015.

O R D E R

The petitioners herein are the accused Nos. 1, 2 and 4 in C.C No.235 of 2010 of the Judicial First Class Magistrate Court-I, Pathanamthitta. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Charge against the third accused stands closed on death. Crime in this case was registered under Sections 447, 323, 324 r/w 34 of IPC on the complaint of one Biju Daniel 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. 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.235 of 2010 of the Judicial First Class Magistrate Court-I, Pathanamthitta 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