

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. 2443 of 2015 ()

**CC 109/2014 of C.J.M.PATHANAMTHITTA
CRIME NO. 1012/2009 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA**

PETITIONER(S):

**BIJU DANIEL AGED 42 YEARS
CHARUVUPURAYIDATHIL,
AMBAZHATHUMOTTIL PADI, MANNARAKULANJI,
MYLAPRA VILLAGE, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.AJEESH K.SASI

RESPONDENT(S):

- 1. GEORGE VARGHESE, AGED 58 YEARS, S/O.GEORGE,
THEVADATHU HOUSE,
CHERADI, MANNARAKULANJI, MALAYALAPPUZHA VILLAGE,
PATHANAMTHITTA - 689 645.**
- 2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR.
HIGH COURT OF KERALA 682 031.**

**R1 BY ADV. SRI.M.T.SURESHKUMAR
R 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:**

Imp

Crl.MC.No. 2443 of 2015 ()

APPENDIX

PETITIONERS EXHIBITS

**ANNEXURE 1: TRUE COPY OF THE FIR IN CRIME NO.1012 OF 2009 OF
PATHANAMTHITTA POLICE STATION DATED 27.10.2009.**

**ANNEXURE 2: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1012 OF 2009 DATED
5.06.2010.**

RESPONDENTS EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

Imp

P.UBAID, J.

Crl. M.C No. 2443 of 2015

Dated this the 10th day of April, 2015.

O R D E R

The petitioner herein is the accused in C.C No.109 of 2014 of the Chief Judicial Magistrate Court, Pathanamthitta. 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 324 and 326 of IPC on the complaint of one George Varghese 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. The other injured in the case is one Kochumon Varghese cited as CW2 by the prosecution. The affidavit of the first respondent, and also the copy of the death certificate shows that CW2 died on 13.11.2010. 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 petitioner herein in C.C No.109 of 2014 of the Chief Judicial Magistrate Court, Pathanamthitta 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.

P.UBAID,
JUDGE

sab