

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Crl.M.C.No.2570 of 2015 (E)

**C.C.NO.71/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1,
PATHANAMTHITTA**

CRIME NO.1002/2010 OF ARANMULA POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED :-

**MINIMOL, AGED 35 YEARS, W/O.RAMESAN,
RESIDING AT MULATHARAMEMURIYIL HOUSE,
KALLELIMUKKU, KADAMANITTAMURI, NARAGANAM VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT AND INJURED :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THANKAMANI, AGED 57 YEARS,
W/O.SASIDHARAN NAIR, RESIDING AT CHARUVIL HOUSE,
KADAMANITTAMURI, NARAGANAM VILLAGE,
PATHANAMTHITTA DISTRICT, PIN - 689645.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTORR
R2 BY ADV.SRI.RAVI KRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.M.C.No.2570 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY CHARGE IN C.C.71/2011 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-1, PATHANAMTHITTA.**

ANNEXURE A2 : AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.2570 of 2015

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Dated this the 23rd day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.71 of 2011 of the Judicial First Class Magistrate Court-1, Pathanamthitta. She seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between her and the de facto complainant. Crime in this case was registered under Sections 394 I.P.C. on the complaint of one Thankamani, who 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 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further 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.

3. The ornaments seized by the police during investigation can be released to the second respondent, who is the defacto complainant.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.71 of 2011 of the Judicial First Class Magistrate Court-1, Pathanamthitta will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE