

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2581 of 2015

**CC 419/2013 OF JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARI
CRIME NO. 243/2011 OF NEDUMUDI POLICE STATION, ALAPPUZHA**
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PETITIONER(S)/ACCUSED:

**MATHEW P.C., AGED 50 YEARS,
S/O. CHACKO, PUTHUSSERIL HOUSE, ATHIRAMPUZHA P.O.,
ETTUMANOOR, KOTTAYAM.**

BY ADV. SRI.THOMAS J.ANACKALLUNKAL

RESPONDENT(S)/STATE & DEFACTO COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COUR TOF KERALA, ERNAKULAM.**
- 2. THOMAS M. JOSEPH, AGED 29 YEARS,
S/O. JOSEPH, MANIYANKARI KALAM HOUSE,
WARD 13, KURUCHI PANCHAYAT, CHANGANASSERY TALUK,
KOTTAYAM DISTRICT.**
- 3. SILSIMOL JOSEPH, AGED 28 YEARS,
W/O LINO, MANIYANKARI KALATHIL, WARD NO.13,
KURICHI PANCHAYAT, CHANGANASSERY TALUK.**
- 4. LINTO JOSEPH, AGED 26,
S/O JOSEPH, MANIYANKARI KALATHIL HOUSE
WARD 13, KURICHI PANCHAYAT, CHAGANASSERY TALUK.**
- 5. BOBIN VARGHESE @ JIJO,
S/O P.V. VARGHESE, WARD 9, EAST OF PODIPPARA CHURCH,
KURICHI PANCHAYAT, CHAGANASSERY TALUK.**

**R1 BY SENI PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN
R2-R5 BY ADV. SRI.M.REVIKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

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PETITIONER(S)' ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF FIR IN CRIME NO 243/2011 OF NEDUMUDI POLICE STATION.

ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT IN CC NO. 419/2013 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, REMANKARY.

ANNEXURE C: AFFIDAVIT SWORN BY CW1/2ND RESPONDENT.

ANNEXURE D: AFFIDAVIT SWORN BY CW2/3ND RESPONDENT.

ANNEXURE E: AFFIDAVIT SWORN BY CW3/4TH RESPONDENT.

ANNEXURE F: AFFIDAVIT SWORN BY CW4/5TH RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

Crl.M.C.No.2581 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioner herein is the 2nd accused in C.C.419/2013 of the Judicial First Class Magistrate Court, Ramankary. 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 420 and 34 on the complaint of one Thomas M Joseph, 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. The other victims of offence, who are the respondents 3 to 5 in this proceeding have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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 further 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.419/2013 of the Judicial First Class Magistrate Court, Ramankary 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/-

P. UBAID, JUDGE

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