

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. 2682 of 2015

**CC 1094/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KOLENCHERRY
CRIME NO. 177/2013 OF KUNNATHUNADU POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED NOS 1-4:

1. BINISH, AGED 37 YEARS,
S/O.MATHAI, MOLEKUDI HOUSE, THRIKKALATHOOR KARA
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
2. SAJI VARGHESE, AGED 33 YEARS
S/O.VARGHESE, PARACHIMOLEL HOUSE, NELLADU KARA
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
3. ELDHOSE, AGED 31 YEARS
S/O.MATHAI, THANIMOLAYIL HOUSE, NELLADU KARA
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
4. JIJO MON, AGED 26 YEARS
S/O.ULAHANNAN, KIZHAKKE HOUSE, THRIKKALATHOOR KARA
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.K.S.ARUN KUMAR

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
2. V.V.GEORGE, AGED 63 YEARS
S/O.VARGHESE, VENATTU HOUSE, VEETTOOR KARA
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT-686 669.

**R1 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI
R2 BY ADV. SMT.RESMI THOMAS**

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

Crl.MC.No. 2682 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I : CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.177/2013 OF
KUNNATHUNADU POLICE STATION.**

ANNEXURE II : COPY OF THE AFFIDAVIT SWORN BY THE SECOND RESPONDENT

RESPONDENT(S)' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.UBAID, J.

Crl. M.C No. 2682 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioners herein are the accused in C.C No.1094 of 2013 of the Judicial First Class Magistrate Court-I, Kolenchery. 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 286, 294(b) r/w 34 of IPC on the complaint of one V.V George who is the second 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.1094 of 2013 of the the Judicial First Class Magistrate Court-I, Kolenchery will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE