

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. 2683 of 2015

**CC 177/2014 OF JUDICIAL MAGISTRATE COURT -I,KOLENCHERRY.
CRIME NO. 1055/2013 OF KUNNATHUNADU POLICE STATION, ERNAKULAM DISTRICT.**
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PETITIONER(S)/ACCUSED:

- 1. ELIAS OUSEPH, AGED 46 YEARS,
S/O.OUSEPH, PALLATHU HOUSE,
KUNNUKURUDI KARA, AIRAPURAM VILLAGE,
ERNAKULAM DISTRICT.**
- 2. DENNY, AGED 31 YEARS, S/O.PAUL,
PARAPURATH HOUSE, NELLADU KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**
- 3. ELDHOSE, AGED 29 YEARS, S/O.VARGHESE,
VANAKUDY HOUSE, MAZHUVANNUR VILLAGE,
ERNAKULAM DISTRICT.**
- 4. ELDHOSE, AGED 30 YEARS, S/O.MATHAYI,
THANIMOLEL HOUSE, NELLADU KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**
- 5. SIJO, AGED 26 YEARS, S/O.VARGHESE,
THANIMOLAYIL HOUSE, NELLADU KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**
- 6. BIJU, AGED 26 YEARS, S/O.SKARIYA,
THANIMOLAYIL HOUSE, NELLADU KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**
- 7. JINU PETER, AGED 28 YEARS, S/O.PATHROSE,
MOLEKUDI HOUSE, THRIKKALATHOOR KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**
- 8. ELDHOSE, AGED 33 YEARS, S/O.VARGHESE,
EDAPPARA HOUSE, KUNNUKURUDI KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**
- 9. SAJI, AGED 34 YEARS, S/O.VARGHESE,
PANACHIMUGAL HOUSE, NELLADU KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.**

10. JIJI, AGED 26 YEARS, S/O.ULAHANNAN,
KIZHAKKE HOUSE, THRIKKALATHOOR KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
11. BINEESH, AGED 37 YEARS, S/O.MATHAI,
MOLEKUDI HOUSE, THRIKKALATHOOR KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
12. PETER, AGED 31 YEARS, S/O.GEORGE,
NELLANGAL HOUSE, NELLADU KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
13. VARGHESE, AGED 31 YEARS, S/O.GEORGE,
KATTAKKAYATHU HOUSE, THRIKKALATHOOR KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.

BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ETHAPPIRI, AGED 72 YEARS, S/O.MATHUNNI,
CHELATTU HOUSE, KUNNAKKURUDY KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT, PIN - 683541.

R1 BY PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN
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:

mbr/

Crl.MC.No. 2683 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I: CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.1055/2013 OF
KUNNATHUNADU POLICE STATION.**

**ANNEXURE II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE
SECOND RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.UBAID, J.

Crl. M.C No. 2683 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. 177 of 2014 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 143, 147, 148, 447, 286, 294(b), 506(i) r/w 149 of IPC on the complaint of one Ethappiri 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. 177 of 2014 of the Judicial First Class Magistrate Court-I, Kolenchery will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P.UBAID,
JUDGE