

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. 2684 of 2015

CC 645/2014 OF JUDICIA;L FIRST CLASS MAGISTRATE COURT -I, KOLENCHERRY
CRIME NO. 178/2013 OF KUNNATHUNADU POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED NO'S 1-10:

1. THOMAS VARGHESE, AGED 45 YEARS,
S/O. VARGHESE, PULPARAYIL HOUSE, NELLADU KARA,
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT.
2. LEEN JOBY KURIYAN, AGED 25 YEARS,
S/O. KURIYAN, PULPARAYIL HOUSE, NELLADU KARA,
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT.
3. KURIYAN VARGHESE, AGED 49 YEARS,
S/O. VARGHESE, PULPARAYIL HOUSE, NELLADU KARA,
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT.
4. MATHEW VARGHESE, AGED 47 YEARS,
S/O. VARGHESE, PULPARAYIL HOUSE, NELLADU KARA,
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT.
5. SIJU VARGHESE, AGED 26 YEARS,
S/O. VARGHESE, PULPARAYIL HOUSE, NELLADU KARA,
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT.
6. MATHEW, AGED 47 YEARS,
S/O. VARGHESE, CHELATTU HOUSE, KUNNUKKURUDI KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
7. THOMAS VARGHESE, AGED 33 YEARS,
S/O. VARGHESE, VENNATTU HOUSE, VEETTOOR KARA
MAZHUVANNOOR VILLAGE, ERNAKULAM DISTRICT.
8. PAUL MATHEW, AGED 24 YEARS,
S/O. MATHAI, POOKKOTTU HOUSE, KUNNUKURUDI KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.
9. FEBIN PAUL, AGED 34 YEARS,
S/O. MATHEW, POOKKOTTU HOUSE, KUNNUKURUDI KARA,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT.

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- 10. ELDHO, AGE34 YEARS,
S/O. POULOSE, PALLATHU HOUSE, NELLAD KARA,
MAZHUVANNOOR 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. BINISH MATHAI, AGED 30 YEARS,
S/O. MATHAI, MOLEKUDIYIL HOUSE, THRIKKALATHOOR,
AIRAPURAM VILLAGE, ERNAKULAM DISTRICT, PIN-683 541.**

**R1 BY PUBLIC PROSECUTOR SRI.SAIDALAVI K.K.
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:**

msv/

Crl.MC.No. 2684 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I- CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO. 178/2013 OF
KUNNATHUNADU POLICE STATION.**

**ANNEXURE II- CERTIFIED COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.

Crl. M.C No. 2684 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.645 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, 323, 325 r/w 149 of IPC on the complaint of one Binish Mathai 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.645 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