

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Crl.MC.No. 4236 of 2015 ()

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CC 337/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,PATHANAMTHITTA
CRIME NO. 21/2008 OF ARANMULA POLICE STATION , PATHANAMTITTA DISTRICT
=====**

PETITIONERS/ACCUSED:-:

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- 1. SUVARNA VIJAYAN, "ANJALI"
ELANTHOOR VILLAGE, KOZHENCHERRY THALUK
PATHANAMTHITTA, NOW RESIDING AT
ANJILIMOOTTIL APARTMENTS, ELANTHOOR
KOZHENCHERRY.**
 - 2. BINU, S/O.SIVARAMAN NAIR
MUTTANI HOUSE, CHERUKOLE P.O.
KOZHENCHERRY.**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS/COMPLAINANT & STATE:-:

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- 1. OMANAAMMA, W/O.SIVARAMAN NAIR
MUTTANI HOUSE, CHERUKOLE P.O.
KOZHENCHERRY - 689 108.**
 - 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA - 682 031.**

R1 BY ADV. SRI.T.P.PRADEEP

R2 BY PUBLIC PROSECUTOR SRI. DHANEESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-07-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1. TRUE COPY OF THE CMP NO.7502/2007 FILED BY THE 1ST
RESPONDENT DATED 28.12.2007**

**ANNEXURE A2. TRUE COPY OF THE FIR NO.21/2008 OF ARANMULA POLICE DATED
21.07.2008**

**ANNEXURE A3. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.21/2008 DATED
23.06.2008**

ANNEXURE A4. TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY//

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4236 of 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioners herein are the accused in C.C.No.337/2008 of the Judicial First Class Magistrate Court-I, Pathanamthitta. 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 420, 456, 468 and 34 IPC, on the complaint of one Omanaamma, who is the 1st 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 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 petitioners herein in C.C.No.337/2008 of the Judicial First Class Magistrate Court-I, Pathanamthitta will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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