

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4673 of 2015

**CC 976/2013 of J.M.F.C.-II,PERINTHALMANNA
CRIME NO. 467/2013 OF WANDOOOR POLICE STATION , MALAPPURAM**

PETITIONERS:

1. **BIBIN JOSE, AGED 32 YEARS,
S/O. JOSE, KAROTTUMALAYIL HOUSE, NOORAMTHODU P.O.
KODANCHERY VIA, KOZHIKODE DISTRICT.**
2. **JOSE K.D. AGED 59 YEARS,
S/O. DEVASSIA, KAROTTUMALAYIL HOUSE, NOORAMTHODU P.O.
KODANCHERY VIA, KOZHIKODE DISTRICT.**
3. **MELBIN JOSE, AGED 30 YEARS,
S/O. JOSE, KAROTTUMALAYIL HOUSE, NOORAMTHODU P.O.
KODANCHERY VIA, KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

1. **NEEMA VINCENT, AGED 28 YEARS,
D/O. VINCENT, KAROTTUMALAYIL HOUSE, NOORAMTHODU P.O.,
KODANCHERY VIA, KOZHIKODE DISTRICT.**
2. **THE SUB INSPECTOR OF POLICE,
VANDOOOR POLICE STATION, MALAPPURAM DISTRICT.**
3. **STATE OF KERALA,
(RESPONDENTS 2 & 3),
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SRI.C.C.ANOOP

R3 BY PUBLIC PROSECUTOR SMT. V.H. JASMINI

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-07-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- TRUE COPY OF THE FINAL REPORT IN C.C.NO. 976/2013 ON THE FILE
OF JFCM II, PERINTHALMANNA.**

**ANNEXURE A2- TRUE COPY OF THE AGREEMENT BETWEEN THE PETITIONERS AND
THE 1ST RESPONDENT.**

**ANNEXURE A3- AFFIDAVIT SWORN BY THE 1ST RESPONDENT/DEFACTO
COMPLAINANT ACKNOWLEDGING THE SETTLEMENT OF DISPUTES.**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

P.A TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.4673 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 4 in C.C No.976/2013 of the Judicial First Class Magistrate Court-II, Perinthalmanna. 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 323, 406, 498A and 506(i) read with 34 IPC, on the complaint of one Neema Vincent, 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.976/2013 of the Judicial First Class Magistrate Court-II, Perinthalmanna will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

Sd/-
P. UBAID, JUDGE

TRUE COPY

P.A TO JUDGE

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