

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Crl.MC.No. 4710 of 2015

**C.C.NO.241/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT NO.I,
KOTTARAKKARA**

CRIME NO. 1490/2014 OF EZHUKONE POLICE STATION , KOLLAM

PETITIONERS/ACCUSED :-

- 1. ASHISH C.KOSHY, S/O.CHACKO, AGED 32 YEARS,
CHERUKARA PUTHEN VEEDU,
NEAR PAZHANGALA TEMPLE, NALLILA P.O.,
PAZHANGALAM, KOLLAM DISTRICT.**
- 2. ABHINASH C.KOSHY, S/O.CHACKO, AGED 36 YEARS,
CHERUKARA PUTHEN VEEDU,
NEAR PAZHANGALA TEMPLE, NALLILA P.O.,
PAZHANGALAM, KOLLAM DISTRICT.**
- 3. CHACKO KOSHY, S/O.KOSHY, AGED 63 YEARS,
CHERUKARA PUTHEN VEEDU,
NEAR PAZHANGALA TEMPLE, NALLILA P.O.,
PAZHANGALAM, KOLLAM DISTRICT.**

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS/STATE/COMPLAINANT :-

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**
- 2. STATION HOUSE OFFICER,
EZHUKONE POLICE STATION,
KOTTARAKKARA, KOLLAM DISTRICT-691506.**
- 3. PRINCY MATHEW, D/O.MATHAI, AGED 27 YEARS,
EBENEZER VILLA, NEAR REETH PALLY,
KAITHACODU P.O., KUNDARA, KOLLAM DISTRICT - 691507.**

**R1 BY SMT.SREELATHA PARAMESHWARAN, PUBLIC PROSECUTOR
R3 BY ADV. SRI.D.SREEKUMAR (KALAMASSERY)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4710 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE NO.I : CERTIFIED COPY OF THE CHARGE SHEET IN CRIME
NO.1490/2014 OF THE EZHUKONE POLICE STATION.**

ANNEXURE NO.II : AFFIDAVIT FILED BY THE THIRD RESPONDENT.

RESPONDENT(S) ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4710 of 2015

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Dated this the 27th day of July, 2015

ORDER

The petitioners herein are the accused in C.C.No.241 of 2015 of the Judicial First Class Magistrate Court No.1, Kottarakkara. 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 498 (A), 341, 294(b), 323 and 34 of the Indian Penal Code on the complaint of one Princy Mathew, who is the third 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.241 of 2015 of the Judicial First Class Magistrate Court No.1, Kottarakkara 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

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P.A. TO JUDGE