

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4826 of 2015

CC NO.1342/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOTTAYAM

PETITIONERS :-

- 1. REJO ABRAHAM, S/O.ABRAHAM, KATTAYIL HOUSE,
MEENADOM VILLAGE, KOTTAYAM DISTRICT.**
- 2. MANOJ, S/O.RAJAPPAN, PADIKKAL KARROT HOUSE,
MEENADOM VILLAGE, KOTTAYAM DISTRICT.**
- 3. SIJO ANDREWS, S/O.ANDREWS,
MANNOOKKADUPPIL HOUSE, MEENADOM VILLGE,
KOTTAYAM DISTRICT.**

BY ADV. SRI.A.K.HARIDAS

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN - 31.**
- 2. SUB INSPECTOR OF POLICE
PAMPADY POLICE STATION, KOTTAYAM.**
- 3. JOMOL SANTHOSH, W/O.SANTHOSH, THAYIL HOUSE,
PANACHIKKAD VILLAGE, KOTTAYAM.**
- 4. SANTHOSH, S/O.VARGHESE, THAYIL HOUSE,
PANACHIKKAD VILLAGE, KOTTAYAM.**

R3&4 BY ADV. SRI.S.KRISHNALAL

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FINAL REPORT IN CC.NO.1342/2014 OF JFMC-I,
KOTTAYAM.**

ANNEXURE A2 : AFFIDAVIT OF 3RD RESPONDENT HEREIN.

ANNEXURE A3 : AFIDAVIT OF 4TH RESPONDENT HEREIN.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4826 of 2015
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Dated this the 29th day of July, 2015

ORDER

The petitioners herein are the three accused in C.C. No.1342 of 2014 of the Judicial First Class Magistrate Court-I, Kottayam. 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 294 (b), 323, 427 and read with Section 34 of the Indian Penal Code on the complaint of one Jomol Santhosh, who is the 3rd 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. The other person who sustained injuries in the alleged incident is the 4th respondent in this proceeding. He has also 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 further 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.1342 of 2014 of the Judicial First Class Magistrate Court-I, Kottayam 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

rkj

//TRUE COPY//

P.A. TO JUDGE