

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Cr1.MC.No. 5025 of 2015

IN CC 168/2012 of J.M.F.C.-II, PATHANAMTHITTA

CRIME NO. 237/2011 OF KONNI POLICE STATION, PATHANAMTITTA

PETITIONERS/ACCUSED 1-5:

1. SAJU P.THOMAS, AGED 34 YEARS,
S/O.THOMAS, RESIDING AT PADINJATTUMKARA HOUSE,
ERAM MURI, MALAYALAPUZHA VILLAGE,
PATHANAMTHITTA DISTRICT.
2. SARAMMA THOMAS, AGED 59 YEARS,
W/O.THOMAS, RESIDING AT PADINJATTUMKARA HOUSE,
ERAM MURI, MALAYALAPUZHA VILLAGE,
PATHANAMTHITTA DISTRICT.
3. THOMAS, AGED 62 YEARS,
S/O.GEEVARGHESE, RESIDING AT PADINJATTUMKARA HOUSE,
ERAM MURI, MALAYALAPUZHA VILLAGE,
PATHANAMTHITTA DISTRICT.
4. SIJI SAJAN, AGED 28 YEARS,
W/O.SAJAN, RESIDING AT PALAMTHALAKKEL HOUSE,
ELIMULLAM PLACKAL MURI, KONNY THAZHAM MURI,
KONNY THAZHAM VILLAGE, PATHANAMTHITTA DISTRICT.
5. SAJAN, AGED 37 YEARS,
S/O.THOMAS, RESIDING AT PALAMTHALAKKEL HOUSE,
ELIMULLAM PLACKAL MURI, KONNY THAZHAM MURI,
KONNY THAZHAM VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.N.RADHAKRISHNAN (THIRUVALLA)

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. LIZY MATHEW, AGED 31 YEARS
D/O.MATHEW, RESIDING AT THEVARTHOTTATHIL HOUSE,
CHATTOOR MUKKU, KONNY THAZHAM MURI,
KONNY THAZHAM VILLAGE, PATHANAMTHITTA DISTRICT - 689 645.

R2 BY ADV. SRI.CIRIL.T.EAPEN

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 5025 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1 : CERTIFIED COPY CHARGE IN CC 168/12 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, PATHANAMTHITTA.

ANNEXURE 2 : AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5025 of 2015

Dated this the 5th day of August, 2015

O R D E R

The petitioners herein are the five accused in C.C No.168/2012 of the Judicial First Class Magistrate Court II, 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 498(A), 406, 323, 294(b) and 506(ii) r/w 34 of the Indian Penal Code on the complaint of one Lizy Mathew who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the parties have settled all the matrimonial disputes, 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 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. 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.168/2012 of the Judicial First Class Magistrate Court II, Pathanamthitta 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.

**P.UBAID
JUDGE**

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