

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Cr1.MC.No. 6142 of 2015

IN C.C NO. 1128/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, THRISSUR
CRIME NO.509/2015 OF TOWN EAST POLICE STATION, THRISSUR

PETITIONERS:

1. ALICE XAVIER,
W/O.XAVIER, MALIAKKAL HOUSE, MANGALAM DESOM,
VADAKKANCHERRY, RAILWAY STATION P.O., THRISSUR.
2. ROY ANTONY,
S/O.ANTONY, KANNATHU HOUSE,
ALAGAPPA NAGAR P.O.AMBALLOOR, THRISSUR DISTRICT.

BY ADV. SMT.K.M.RASHMI (PARAVOOR)

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY THROUGH THE
PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. HELAN MOLLY,
W/O.LATE JOY, CHALINPOYKA HOUSE, THRISSUR VILLAGE
THRISSUR DESOM.

R2 BY ADV. SRI.MANOJ B.MENON

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6142 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FIR IN CRIME NO.509/2015 OF THRISSUR
EAST POLICE STATION.

ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT IN CC
NO.1128/2015 OF JFCM - I, THRISSUR.

ANNEXURE-A3: COPY OF THE COMPROMISE AGREEMENT DATED 7.8.2015
BETWEEN PETITIONERS AND THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6142 of 2015

Dated this the 14th day of September, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1128/2015 of the Judicial First Class Magistrate Court I, Thrissur. 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 341, 323 and 506(i) r/w 34 of the Indian Penal Code on the complaint of one Helan Molly who is the 2nd 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 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.1128/2015 of the Judicial First Class Magistrate Court I, Thrissur 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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