

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Cr1.MC.No. 6448 of 2015

IN CC 369/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, MAVELIKKARA
CRIME NO. 472/2007 OF MAVELIKKARA POLICE STATION, ALAPPUZHA

PETITIONERS/ACCUSED:

1. PHILIPOSE @ SUNNY, AGED 49 YEARS,
S/O.BABY, AYIKKATTU VEEDU, VAZHUVADI MURI,
THAZHAKKARA VILLAGE (P.O.).
2. MATHEW GEORGE @ BIJU, AGED 44 YEARS,
S/O.BABY, S/O.GEORGE MATHAI, AYIKKATTU VEEDU,
VAZHUVADI MURI, THAZHAKKARA VILLAGE (P.O.).

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENTS/STATE & DEFACTO COMPLAINANT & CW2 & CW3:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682031.
2. AMMINI GEORGE, AGED 72 YEARS,
W/O.GEORGE MATHAI, AYIKKATTU VEEDU, VAZHUVADI MURI,
THAZHAKKARA VILLAGE (P.O.)- 690102.
3. SUDHA GEORGE, AGED 49 YEARS
W/O.GEORGE KUTTY, VANARA PUTHEN VEETIL HOUSE,
EZHERA SOUTH MURI, PERINGALA VILLAGE,
MAVELIKKARA TALUK (P.O.)- 690102.
4. NEETHA GEORGE, AGED 39 YEARS,
W/O.FRANCIS, AYIKKATTU VEEDU, VAZHUVADI MURI,
THAZHAKKARA VILLAGE (P.O.)-690102.

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

R2 TO R4 BY ADV. SRI.NIRMAL V NAIR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6448 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: CERTIFIED COPY OF THE FINAL REPORT/CHARGE IN
CRIME NO.472/2007 OF MAVELIKKARA POLICE STATION.

ANNEXURE-A2: THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT AS
REGARDS SETTLEMENT.

ANNEXURE-A3: THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

ANNEXURE-A4: THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY/

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6448 of 2015

Dated this the 1st day of October, 2015

O R D E R

The petitioners herein are the two accused in C.C No.369/2015 of the Judicial First Class Magistrate Court I, Mavelikkara. 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 354, 477 and 323 r/w 34 of the Indian Penal Code, on the complaint of one Ammini George, who is the second 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. The other victims of offence in this case are respondents Nos.3 and 4. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now.

3. 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 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. 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.369/2015 of the Judicial First Class Magistrate Court I, Mavelikkara 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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