

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937**

**Crl.MC.No. 6569 of 2015 ()**  
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**C.C.NO. 157/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PATHANAMTHITTA**

**PETITIONERS/ACCUSED TO 5:**  
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1. KANNAN S. BABU, S/O. SURESH BABU, VALLYAYATH HOUSE, KUMBAZHA NORTH MURI,MYLAPRA VILLAGE, KOZHANCHERRY TALUK.
2. MANU C.S., S/O. SUDHAKARAN PILLAI, CHEMBAKASSERIL HOUSE, ARUVAPPULAM MURI, ARUVAPPULAM VILLAGE.
3. SREELAL, S/O. SURENDRAN NAIR, SREERANGAM HOUSE, V KOTTAYAM MURI, V KOTTAYAM VILLAGE, KONNI TALUK.
4. ANU. B, S/O. BALACHANDRAN UNNITHAN, KINARUVILA HOUSE, THRIKKADAVOOR MURI, THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT.
5. JYOTHISHKUMAR, S/O. SURESH, AANIKKAROTTU HOUSE, POTHEEPPAD, ERAM MURI, MALAYALAPPUZHA VILLAGE.

**BY ADV. SRI.T.P.FRADEEP**

**RESPONDENTS/STATE & DEFACTO COMPLAINANT:**  
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1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.
2. SHERLY, W/O. PONNACHAN, VELOOR HOUSE, THAZHE VETTIPRAM,  
VETTIPRAM MURI, PATHANAMTHITTA VILLAGE,  
KOZHANCERRY TALUK,PIN- 689 641.

**R2 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)**  
**R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' ANNEXURE:**  
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**ANNEXURE A: CERTIFIED COPY OF THE CHARGE SHEET IN C.C.NO.157/2011 OF  
J.F.C.M. COURT-I, PATHANAMTHITTA.**

**ANNEXURE B: ORIGINAL OF THE AFFIDAVIT OF THE 2ND RESPONDENT.**

**RESPONDENT(S)' ANNEXURE: NIL**  
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**/TRUE COPY/**

**P.A. TO JUDGE**

**AK**

**P.UBAID, J.**

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**Crl.M.C.No.6569 of 2015**  
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Dated this the 8<sup>th</sup> day of October, 2015

**ORDER**

The petitioners herein are the five accused in C.C.No.157 of 2011 of the Judicial First Class Magistrate Court-I, 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 143, 147, 427, 451 and 149 of the Indian Penal Code on the complaint of one Sherly, who is the 2<sup>nd</sup> 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.157 of 2011 of the Judicial First Class Magistrate Court-I, 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.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE