

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 5428 of 2014

**CC 31/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA
CRIME NO. 609/2011 OF KOIPURAM POLICE STATION, PATHANAMTITTA**

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PETITIONER(S)/ACCUSED:

**LATHA BOSE, AGED 44 YEARS,
W/O.K.BOSE K. PILLAI, PLAMKUZHIYIL HOUSE, NEDUMPRAYAR,
MARAMON, CHIRAYIRAMBU P.O., THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT - 689 549.**

**BY ADVS.SRI.SINU.G.NATH
SRI.VARUGHESE OOMMEN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. ANISH ABRHAM, AGED 38,
S/O.P.M.ABRAHAM, NIRAMNILATH HOUSE, KURIANNOOR MURI,
THADIYOOR P.O., THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT - 689 545.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADVS. SRI.ARUN.B.VARGHESE
SRI.JAYKAR K.S.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE-A1: CERTIFIED COPY OF THE FIR NO.609/2011 OF KOIPURAM POLICE STATION.

ANNEXURE-A1(A): CERTIFIED COPY OF THE FIR IN CMP NO.3544/2011 BEFORE THE CJM COURT, PATHANAMTHITTA.

ANNEXURE-A2: TRUE COPY OF THE AGREEMENT FOR SALE BETWEEN DEFACTO COMPLAINT AND PETITIONER.

ANNEXURE-A3: TRUE COPY OF THE PETITION BEFORE SP PATHANAMTHITTA AGAINST POLICE HARASSENT.

ANNEXURE-A4: CERTIFIED COPY OF COMPROMISE DECREEE IN OS 69/2011 OF SUB COURT, THIRUVALLA.

ANNEXURE-A5: CERTIFIED COPY OF FINAL REPORT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.
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**Crl.M.C No.5428 of 2014**  
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Dated this the 22nd January, 2015

ORDER

The petitioner herein is the accused in C.C No.31 of 2013 of the Chief Judicial Magistrate's Court, Pathanamthitta. She seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between her and the de facto complainant. Crime in this case was registered under Sections 403, 406 and 420 of Indian Penal Code on the complaint of one Anish Abraham, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has 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 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, 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 petitioner herein in C.C No.31 of 2013 of the Chief Judicial Magistrate's Court, Pathanamthitta will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by her will stand discharged.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge