

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Cr1.MC.No. 6774 of 2015

IN CC 1122/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, PATHANAMTHITTA
CRIME NO. 214/2014 OF ARANMULA POLICE STATION, PATHANAMTITTA

PETITIONERS/ACCUSED NOS 1 & 2:

1. J.J. PRASAD, AGED 57 YEARS,
S/O. JANARDHANAN, SREEBHAVAN HOUSE, THEKKEKKARA,
NARANGANAM WEST, KOZHENCHERY TALUK,
PATHANAMTHITTA DISTRICT
2. SREEKUMARAN NAIR, AGED 24 YEARS,
S/O. J.J PRASAD, SREEBHAVAN HOUSE, THEKKEKKARA,
NARANGANAM WEST, KOZHENCHERY TALUK,
PATHANAMTHITTA DISTRICT

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENTS/RESPONDENTS:

1. DEVI DAS, AGED 24 YEARS,
S/O. T.J SASIKUMAR, THEKKEKKARA PUTHEN VEETIL,
THEKKEKKARA, NARANGANAM VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT 689 654
2. MANIYAMMA J.J, AGED 57 YEARS,
W/O. T.J SASIKUMAR, THEKKEKKARA PUTHEN VEETIL,
THEKKEKKARA, NARANGANAM VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT 689 654
3. T.J SASIKUMAR, AGED 63 YEARS,
S/O. JANARDHANA PILLAI, THEKKEKKARA PUTHEN VEETIL,
THEKKEKKARA, NARANGANAM VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITA DISTRICT 689 654
4. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, 682 031

R1-3 BY ADV. SRI.S.R.SREEJITH

R4 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6774 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.214/2014 OF ARANMULA
POLICE STATION DATED 17.2.2014

ANNEXURE A2: COPY OF THE FINAL REPORT DATED 20.5.2014

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6774 of 2015

Dated this the 19th day of October, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1122/2014 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 294(b) and 506(i) r/w Section 34 of the Indian Penal Code on the complaint of one Devi Das, who is the first 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. The other victims of offence are the respondent Nos. 2 and 3. 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.1122/2014 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.

ab

**P.UBAID
JUDGE**