

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6933 of 2015 ()

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CC 630/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM
CRIME NO. 562/2014 OF KUNDARA POLICE STATION, KOLLAM DISTRICT
=====**

PETITIONERS:

- 1. JOHN PETER, AGED 47 YEARS
S/O. JOHN, NO.3, CHOOILAIEDU
ANDAVAR STREET, CHENNAI
RESIDING AT PALLIKKAL CHERRY
MYLAM VILLAGE, KOLLAM DISTRICT**
- 2. LUCY K. KOSHY, AGED 46 YEARS
D/O. CHINNAMMA, KOTTAYADI BUILDINGS
ELEMPALLOOR, KOLLAM**
- 3. LALY K. KOSHY, AGED 52 YEARS
D/O. CHINNAMMA, KOTTAYADI BUILDINGS
ELAMPALLOOR, KOLLAM**

BY ADV. SRI.BINU GEORGE

RESPONDENTS:

- 1. THE STATE OF KERALA REPRESENTED BY
GOVERNMENT PLEADER, HIGH COURT OF KERALA
ERNAKULAM**
- 2. LOVELY K. KOSHY, D/O. CHINNA, KOTTAYADI BUILDINGS
ELEMPALLOOR, KOLLAM-691501**

**R1 BY ADV. SRI.R.RAJESH (PULLIKADA)
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO. 6933/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I CERTIFIED COPY OF FIR NO.562/2014 DATED DATED 16.03.2014 OF
KUNDARA POLICE STATION**

ANNEXURE II CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET

ANNEXURE III AFFIDAVIT OF 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6933 of 2015

Dated this the 28th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C. No.630/2014 of the Judicial First Class Magistrate Court-I, Kollam. 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 451, 188, 294(b), 506(i), 427 and 34 IPC, on the complaint of one Lovely K. Koshy, 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 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. 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.630/2014 of the Judicial First Class Magistrate Court-I, Kollam 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

sd

// True Copy //

P.A. to Judge