

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Crl.MC.No. 7152 of 2015

**CC 1190/2015 OF TEMPORARY JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHAVARA**

CRIME NO. 854/2014 OF THEKKUMBHAGOM POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED 1 - 3 :-

- 1. THARA, W/O.SHIBU, AGED 34 YEARS,
PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLAGE,
KOLLAM DISTRICT.**
- 2. JOHNSON, S/O.YESHUDASAN, AGED 38 YEARS,
PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLAGE,
KOLLAM DISTRICT.**
- 3. CLEMENT, S/O.YESUDAS, AGED 30 YEARS,
PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLAGE,
KOLLAM DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ALPHONSA, AGED 33 YEARS, D/O.JASEENTHA,
THANKACHI BHAVAN, MUTTAM BHAGAM,
ARINALLOOR P.O., THEVALAKKARA VILLAGE,
KOLLAM DISTRICT, PIN - 690 538.**

**R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.PA.VIBIN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 7152 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : TRUE COPY OF THE CHARGE SHEET IN CRIME NO.854/2014 OF
THEKKUMBHAGOM POLICE STATION.**

ANNEXURE II : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.7152 of 2015
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Dated this the 24th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.1190 of 2015 of the Temporary Judicial First Class Magistrate Court, Chavara. 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 323, 324, 294(b) and 506 (ii) read with Section 34 of the Indian Penal Code on the complaint of one Alphonsa, 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, 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.1190 of 2015 of the Temporary Judicial First Class Magistrate Court, Chavara 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 JDUGE