

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 7163 of 2015

CC 1657/2015 OF TEMPORARY JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHAVARA

CRIME NO. 909/2014 OF THEKKUMBHAGOM POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED 1 - 4 :-

1. CLEMENT, AGED 30 YEARS,
S/O.YESUDAS, PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLEGGE,
KOLLAM DISITRICT.
2. JOHNSON, AGED 38 YEARS, S/O.YESHUDASAN,
PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLEGGE
KOLLAM DISITRICT.
3. SOPHI, AGED 30 YEARS, W/O.JOHNSON,
PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLEGGE,
KOLLAM DISITRICT.
4. THARA, AGED 34 YEARS, W/O.SHIBU,
PLACHERY VADAKKATHIL HOUSE, ARINALLOOR P.O.,
THEVALAKKARA VILLEGGE, KOLLAM DISITRICT.

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

RESPONDENT(S)/COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THANKACHI, D/O.JASEENTHA, PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLEGGE,
KOLLAM DISITRICT-690 538.
3. ALPHONSA, AGED 32 YEARS, D/O.JASEENTHA,
PLACHERY VADAKKATHIL HOUSE,
ARINALLOOR P.O., THEVALAKKARA VILLEGGE,
KOLLAM DISITRICT-690 538.

R2 & R3 BY ADV. SRI.P.A.VIBIN
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Crl.MC.No. 7163 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE -I : TRUE COPY OF THE CHARGE IN CRIME NO.909/2014 OF
THEKKUMBHAGOM POLICE STATION.**

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

**ANNEXURE -III : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A.TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7163 of 2015
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Dated this the 12th day of November, 2015

ORDER

The petitioners herein is the four accused in C.C.No.1657 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 447, 294(b), 324, 326 and 354 read with Section 34 of the Indian Pena Code on the complaint of one Thankachi, 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. The other victim of offence is the 3rd respondent in this proceeding. She has also 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.1657

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.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE