

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937**

**Crl.MC.No. 7266 of 2015**  
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**C.C. No.409/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA  
CRIME No.84/2014 OF PAYYAVOOR POLICE STATION , KANNUR**

**PETITIONER(S)/ACCUSED:**  
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**MATHAI KUNHU @ MATHAI, AGED 59 YEARS,  
S/O. KURIAKOSE, PARAPPULLI HOUSE,  
UPPUPADANNA, PAYYAVOOR P.O., PAYYAVOOR AMSOM,  
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADV. SRI. V.A. SATHEESH**

**RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM,  
THROUGH S.H.O, PAYYAVOOR POLICE STATION, KANNUR DISTRICT.**
- 2. STEPHEN P.C., S/O. CHUMMAR, PUTHUSSERI HOUSE,  
ELIKKULAM, PAYYAVOOR P.O., PAYYAVOOR AMSOM,  
TALIPARAMBA TALUK, KANNUR - 670 633.**
- 3. MINI, W/O. STEPHEN P.C., AGED 39 YEARS,  
PUTHUSSERI HOUSE, ELIKKULAM, PAYYAVOOR P.O.,  
PAYYAVOOR AMSOM, TALIPARAMBA TALUK,  
KANNUR - 670 633.**

**R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB  
R2 & R3 BY ADV. SRI. V.T.MADHAVANUNNI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
18-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.M.C.No. 7266 of 2015**

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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**ANNEXURE.1:            TRUE EXTRACT COPY OF THE CHARGE SHEET SUBMITTED BY  
                                 THE POLICE BEFORE THE JUDICIAL FIRST CLASS  
                                 MAGISTRATE COURT, TALIPARAMBA IN CRIME No.84/2014 OF  
                                 PAYYAVOOR POLICE STATION.**

**RESPONDENT(S)' EXHIBITS**

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**-            NIL**

**//TRUE COPY//**

**PA TO JUDGE**

**WW**

**P. UBAID, J.**

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**Crl.M.C. No.7266 OF 2015**  
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Dated this the 18<sup>th</sup> day of November, 2015

**ORDER**

The petitioner herein is the sole accused in C.C. No.409/2014 of the Judicial First Class Magistrate Court, Thaliparamba. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 447, 294(b) and 324 of IPC on the complaint of one Stephen who is the 2<sup>nd</sup> 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 person who sustained injuries in the alleged incident is the 3<sup>rd</sup> 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.

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 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 petitioner herein in C.C. No.409/2014 of the Judicial First Class Magistrate Court, Thaliparamba 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 him will stand discharged.

Sd/-  
**P. UBAID**  
**JUDGE**