

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Cr1.MC.No. 6284 of 2014

IN CC 207/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, PATHANAMTHITTA
CRIME NO. 790/2009 OF ARANMULA POLICE STATION, PATHANAMTITTA

PETITIONERS/ACCUSED 1 TO 4:

1. AKHIL S. NAIR, AGED 26 YEARS,
S/O. SOMAN NAIR, VENATTUKIZHAKKATHIL VEEDU,
THOTTUMPURAM, PRAKKANAM, CHENNERKKARA,
KOZHENCHERRY TALUK.
2. SHIJU, AGED 41 YEARS,
S/O. THANKACHAN,
KANJIRAMNIKKUNNATHIL VEEDU, THOTTUMPURAM, PRAKKANAM,
CHENNERKKARA, KOZHENCHERRY TALUK.
3. JIBU ANTONY, AGED 25 YEARS,
S/O. ANTONY, THARAMALATHEKKATHIL HOUSE, THOTTUMPURAM,
PRAKKANAM, CHENNERKKARA, KOZHENCHERRY TALUK.
4. JOB ANTONY, AGED 27 YEARS,
S/O. ANTONY, THARAMALATHEKKATHIL HOUSE, THOTTUMPURAM,
PRAKKANAM, CHENNERKKARA, KOZHENCHERRY TALUK.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENTS/CW1, CW2 & STATE:

1. MARIAMMA @ TESSY, AGED 36 YEARS,
W/O. KOCHUMON, PLAVUNILKKUNNATHIL HOUSE,
ELANTHOOR VILLAGE, ELANTHOOR MURI, KOZHENCHERRY TALUK,
PATHANAMTHITTA - 689 641.
2. LEELAMMA, AGED 65 YEARS,
W/O. LATE THOMAS, PLAVUNIKKUNNATHIL HOUSE,
ELANTHOOR VILLAGE, ELANTHOOR MURI, KOZHENCHERRY TALUK,
PATHANAMTHITTA - 689 641.
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R2,3 BY ADV. SRI.SERGI JOSEPH THOMAS
R3 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6284 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

A1 - COPY OF THE FINAL REPORT IN CC NO. 207/2010 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - 1, PATHANAMTHITTA ARISING OUT OF CRIME NO. 790/2009 OF ARANMULA POLICE STATION.

A2 - AN AFFIDAVIT SWORN BY THE FIRST RESPONDENT STATING THE SETTLEMENT OF ALL THE DISPUTES.

A3 - AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE SETTLEMENT OF ALL THE DISPUTES.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6284 of 2014

Dated this the 3rd day of August, 2015

O R D E R

The petitioners herein are the four accused in C.C No.207/2010 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 452, 427, 323, 294(b) and 506(ii) r/w 34 of the Indian Penal Code on the complaint of one Mariamma @ Tessy who is the 1st 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. The other person who sustained injuries in the alleged incident is the 2nd 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 the prosecution in pending proceedings, if the

parties have really settled the whole dispute amicably out of court, and continuance of the 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.207/2010 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.

**P.UBAID
JUDGE**

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