

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Crl.MC.No. 7692 of 2015

**CC 5/2015 OF CHIEF JUDICIAL MAGISTRATE, PATHANAMTHITTA
CRIME NO. 1345/2012 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA**
.....

PETITIONER(S)/ACCUSED:

- 1. DANIEL, AGED 30 YEARS,
S/O.VARGHESE, THAYIL HOUSE, KAIPPATTOOR,
VALLIKODE VILLAGE, PATHANAMTHITTA DISTRICT.**
- 2. SUJITH, AGED 30 YEARS,
S/O.SATHYASEELAN, THADATHIL HOUSE, PRAKKANAM.
CHENNERKKARA VILLAGE, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT(S)/RESPONDENTS:

- 1. SHEELA JAMES, AGED 45 YEARS,
W/O.JAMES, PONVELIL ADIMURIYIL HOUSE, PRAKKANAM,
CHENNERKKARA VILLAGE,
PATHANAMTHITTA DISTRICT-689 517.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 682 031.**

**R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB
R1 BY ADV. SRI.P.R.JAYASANKAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 7692 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1. CERTIFIED COPY OF THE FIR AND FIS IN CRIME NO.1345 OF 2012.

**ANNEXURE A2. CERTIFIED COPY OF THE FINAL REPORT DATED 07.05.2013 IN
CRIME NO.1345 OF 2012.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.

=====
Crl. M.C No.7692 of 2015

=====
Dated this the 9th day of December, 2015

ORDER

The petitioners herein are the two accused in C.C No.5/2015 of the Chief Judicial Magistrate, 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 447, 341 and 326 r/w Section 34 of the Indian Penal Code on the complaint of one Smt. Sheela James, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The other victim of the offence is the 1st respondent's husband Sri. James. Pending the proceedings, he died. Copy of the Death Certificate was made available for perusal during the proceedings. The affidavit filed by the victim also shows that her husband, the other victim of offence, is no more.

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.5/2015 of the Chief Judicial Magistrate, 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.

Sd/-
P.UBAID, JUDGE