

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 8021 of 2015

IN C.C 661/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT II, KOLLAM
CRIME NO. 363/2010 OF KILIKOLLUR POLICE STATION, KOLLAM

PETITIONERS/ACCUSED 1 TO 4:

1. SAJAN, AGED 35 YEARS,
S/O.BERNAD, SS COTTAGE, KANDACHIRA,
MANGADU.P.O., MANGADU CHERRY, KOLLAM DISTRICT.
2. JAMES, AGED 61 YEARS,
S/O.PATHROSE, CHITTIKATTU VEEDU, KANDACHIRA,
MANGADU CHERRY, MANGADU.P.O., KOLLAM.
3. BERNADU, AGED 61 YEARS,
S/O.JOSEPH, SS COTTAGE, KANDACHIRA,
MANGADU.P.O., MANGADU CHERRY, KOLLAM DISTRICT.
4. MARIAMMA, AGED 53 YEARS,
W/O.BERNADU, SS COTTAGE, KANDACHIRA,
MANGADU.P.O., MANGADU CHERRY, KOLLAM DISTRICT.

BY ADVS.SRI.BLAZE K.JOSE
SRI.M.RAJESH

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.
2. SUB INSPECTOR OF POLICE
SAKTIKULANGARA POLICE STATION,
KOLLAM. PIN-691 581.
3. JAINAMMA, AGED 55 YEARS,
D/O.KOCHU THRESIA, THODIYIL THEKKATHIL VEEDU,
JALADARSHAN NAGAR-50, CHERIYIL MUKKU, MANGADU CHERRY,
MANGADU.P.O., KOLLAM. PIN-691 015.

R3 BY ADV. SMT.K.J.JISMA
R1 & R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 8021 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1- A CERTIFIED COPY OF THE CHARGE SHEET FILED IN
KILIKOLLUR PS CRIME NO.363 OF 2010 AND PENDING AS C.C.NO.661
OF 2013 BEFORE THE JFMC-II, KOLLAM.

ANNEXURE 2- AFFIDAVIT DATED 18.11.2015 BY THE 3RD
RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.8021 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners herein are the four accused in C.C No.661/2013 of the Judicial First Class Magistrate Court II, Kollam. 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) and 324 of the Indian Penal Code on the complaint of one Jainamma, who is the third 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 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.661/2013 of the Judicial First Class Magistrate Court II, Kollam 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**

//True Copy//

P.A to Judge

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