

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Cr1.MC.No. 6949 of 2014

IN LP 41/2009 OF THE CHIEF JUDICIAL MAGISTRATE COURT,
PATHANAMTHITTA
CRIME NO.985/208 OF THE PATHANAMTHITTA POLICE STATION.

PETITIONER/ACCUSED:

SABARINATH, AGED 25 YEARS,
S/O.VIJAYAKUMAR, VELOORETHU HOUSE, AZHOOR MURI,
PRAMADOM VILLAGE, KOZHENCHERY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.M.G.SREEJITH
SRI.ABDUL JALEEL ONATH

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY STATION HOUSE OFFICER,
PATHANAMTHITTA POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
KOCHI-31.
2. A.G.RAJESH, AGED 37 YEARS,
S/O.GOPINATHA PILLAI, AKKLETHU HOUSE, PRAMADOM MURI,
PRAMADOM VILLAGE, KOZHENCHERI TALUK,
PATHANAMTHITTA DISTRICT. PIN-689 641.
3. MANJU, AGED 30 YEARS,
W/O.MANOJ, ANDHABHAVAN, PRAMADOM MURI,
PRAMADOM VILLAGE, KOZHENCHERI TALUK,
PATHANAMTHITTA DISTRICT. PIN-689 641.

R2,3 BY ADV. SRI.SUNNY ZACHARIAH
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6949 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1- COPY OF CHARGE IN L.P.NO.41/2009 ON THE FILE OF
CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA.

ANNEXURE A2- COPY OF AFFIDAVIT FILED BY 2ND RESPONDENT DATED
21.11.2014.

ANNEXURE A3- COPY OF AFFIDAVIT FILED BY 3RD RESPONDENT DATED
21.11.2014.

RESPONDENTS' ANNEXURES

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6949 of 2014

Dated this the 29th day of January, 2015

O R D E R

The petitioner herein is the 1st accused in C.C No.41/2009 now pending as L.P No.41/2009 before the Chief Judicial Magistrate Court, Pathanamthitta. 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 Sections 294(b), 447, 341 and 332 r/w 34 of the Indian Penal Code on the complaint of one Rajesh who is the 2nd 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 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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, 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.41/2009 now pending as L.P No.41/2009 before the Chief Judicial Magistrate's Court, Pathanamthitta 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.

**P.UBAID
JUDGE**

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