

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935**

**Crl.MC. No. 6584 of 2013 ()**

-----  
**(AGAINST THE ORDER IN LP NO.36/2011 OF J.M.F.C.-II, KOLLAM ARISING FROM CRIME  
NO. 41/1999 OF SAKTHIKULANGARA POLICE STATION, KOLLAM.)**

**PETITIONER(S)/ACCUSED NO.3:**  
-----

**JAISON, S/O. ELIAS, AGED 35 YEARS,  
KATTUVILA PUTHUVAL VEEDU,  
SAKTHIKULANGARA, KOLLAM.**

**BY ADV. SRL.DILEEP P.PILLAI.**

**RESPONDENT(S)/DEFACTO COMPLAINANT AND INJURED WITNESSES.:**  
-----

- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. VINOD, S/O. VIKRAMAN,  
EDACHIRAKKAL VEEDU, MARUTHADI,  
SAKTHIKULANGARA, KOLLAM-691009.**
- 3. BENEDICT, S/O. ANDREW,  
VALAVIL THAZHE VEEDU, MARUTHADI,  
SAKTHIKULANGARA, KOLLAM-691009.**
- 4. FRANCIS, S/O. BENCHAMIN,  
MOLLETHOPPIL VEEDU, MARUTHADI,  
SAKTHIKULANGARA, KOLLAM-691009.**

**R1 BY PUBLIC PROSECUTOR SHRI P.S. SAJEEV.  
BY SRI.B.N.HASKAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-12-2013,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC. No. 6584 of 2013 ()**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

**A:- TRUE COPY OF THE FINAL REPORT IN L.P NO.36 OF 2011 ON THE FILES OF THE JFMC-II, KOLLAM.**

**B:- TRUE COPY OF THE ORDER OF ACQUITTAL IN S.C NO.224/2007 DATED 19.10.2010 ON THE FILES OF THE PRINCIPLE ASSISTANT SESSIONS COURT, KOLLAM.**

**C:- TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND THE RESPONDENTS 2 TO 4 HEREIN.**

**D:- PHOTOSTAT COPY OF THE ORDER DATED 28.10.2011 IN CRL.M.C NO.3643/2013 ON THE FILES OF THIS HON'BLE COURT.**

**RESPONDENTS' ANNEXURES:- NIL**

**/True Copy/**

**P.A to Judge**

**KRJ**

**A.V.RAMAKRISHNA PILLAI, J.**

= = = = =

Crl.M.C No.6584 of 2013

= = = = =

Dated this the 27<sup>th</sup> day of December, 2013

**ORDER**

The petitioner is the third accused in L.P No.36 of 2011 on the file of the Judicial First Class Magistrate Court-II, Kollam arising out of Crime No.41 of 1999 of Sakthikulangara Police Station for offence punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 of the Cr.P.C.

2. Respondents 2 to 4 herein are the injured and it is submitted that the petitioner has settled the dispute with the respondents 2 to 4. To prove the same, a petition duly signed by the petitioner and respondents 2 to 4 is produced. It is also submitted that accused 2, 4 and 5 were already been acquitted by Annexure-B order.

3. Though, the offence alleged against the petitioner is non compoundable so long as respondents 2 to 4 who are the injured, are not intending to proceed with the matter, the continuation of the prosecution against the petitioner would be a futile exercise. Therefore, this Court of the definite view that this petition can be allowed.

4. In the result, the Crl.M.C is allowed. The F.I.R in Crime No.41 of 1999 of Sakthikulangara Police Station, so far it relates to the petitioner who is the third accused, shall stand quashed and the further proceedings against him shall stand dropped.

Sd/-  
**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

krj

/True Copy/

P.A to Judge