

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Cr1.MC.No. 85 of 2015

IN CC 689/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT -I,
KOLLAM

CRIME NO. 988/2010 OF ANCHALUMMOODU POLICE STATION, KOLLAM

PETITIONERS/ACCUSED:

1. ARUN.M.S, AGED 26 YEARS,
S/O. MANIYAN PILLAI, RESIDING AT LOVEDALE VEEDU,
NEAR THAIKKAVU MUKKU, INCHAVILA CHERRY,
THRIKKARUVA VILLAGE FROM THEKKEKKATTUVILA
PADINJATTATHIL VEEDU,
KUREEPUZHA CHERRY, THRIKKADAVOOR, KOLLAM.
2. SREENATH, AGED 26 YEARS,
S/O. THULASEEDHARAN, KATTUVILA COLONY, HOUSE NO. 30
KUREEPUZHA CHETTY, THRIKADAVOOR VILLAGE,
KOLLAM DISTRICT.
3. ANEESH, AGED 25 YEARS,
S/O. ANTONY, NEELA VEEDU, JAYANTHI COLONY
THRIKKADAVOOR VILLAGE, KUREEPUZHA, KOLLAM.
4. ANSIL, AGED 23 YEARS,
S/O. ANTONY, NEELA VEEDU, JAYANTHI COLONY,
THRIKKADAVOOR VILLAGE, KUREEPUZHA CHERRY, KOLLAM.

BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
ANCHALUMMOODU POLICE STATION
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
2. PRAVEEN, AGED 24 YEARS,
S/O. PRASAD, VADAKKATHIL VEETIL,
NEAR AYYANKOYIKKAL TEMPLE, KUREEPUZHA CHERRY,
THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT.

R2 BY ADV. SRI.K.B.ARUNKUMAR
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 85 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE FIR WITH FIS IN CRIME NO.988/2010 OF ANCHALUMMMOODU POLICE STATION

ANNEXURE 2: COPY OF THE FINAL REPORT IN CRIME NO.988/2010 OF ANCHALUMMMOODU POLICE STATION.

ANNEXURE 3: COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING THE COMPROMISE DATED 1.11.2014

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.85 of 2015

Dated this the 8th day of January, 2015

O R D E R

The petitioners herein are the four accused in C.C. No.689/2011 of the Judicial First Class Magistrate Court I, Kollam. Crime in the said case was registered under Sections 143, 147, 341, 323 and 324 r/w 34 of the Indian Penal Code, on the complaint of one Praveen. The petitioners now seek orders quashing the prosecution as against them on the ground that they and the defacto complainant have amicably settled the dispute out of court. The defacto complainant Praveen is the second respondent in this proceeding. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no complaint or grievance now. I am well satisfied that there is a real and genuine settlement between the parties, and I find that continuance of prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court. The petitioners seek orders under Section 482 of the Code of Criminal Procedure because composition as such is not possible.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.689/2011 before the Judicial First Class Magistrate Court I, 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.

**P.UBAID
JUDGE**

ab