

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

Crl.MC.No. 100 of 2015 ()

IN CC 57/2012 of J.M.F.C.,ALATHUR

PETITIONER(S)/ACCUSED:

**UNNIKRISHNAN AGED 45 YEARS
S/O. GOVINDAPANICKAR, KALARIKKAL VEEDU, MANJAPPRA
VADAKKENCHERRY, PALAKKAD.**

BY ADV. SRI.P.M.RAFIQ

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

**1. KALIDASAN, AGED 42 YEARS
S/O. KRISHNAPANICKAR, KALARIKKAL VEEDU, MANJAPPRA
VADAKKENCHERRY, PALAKKAD - 678 545.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

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

Crl.MC.No. 100 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

A - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 998/2011 OF VADAKKENCHERRY POLICE STATION IN CC NO. 57/2012 ON THE FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR.

B - AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 100 of 2015 & 101 of 2015

Dated this the 8th day of January, 2015.

ORDER

Two prosecutions brought as case and counter, are sought to be quashed under Section 482 Cr.P.C on the ground of amicable settlement made by the parties out of court. Crime No.998/2011 was registered in the Vadakkencherry police Station under Sections 341, 323, 324 IPC, on the complaint of one Kalidasan. The said case is now pending as C.C No.57/2012 before the Judicial First Class Magistrate Court, Alathur. The Petitioner in Crl.MC 100/2015 is the accused in the said case, and the first respondent therein is the said Kalidasan who made complaint. As a counter case Crime No.999/2011 was also registered under Section 324 of IPC on the complaint of one Unnikrishnan who also sustained injuries in the incident. The said crime is now pending as C.C No.558/2012 before the same court. The de facto complainant in C.C No.57/2012 is the accused in the said case, and he is the petitioner in Crl.M.C 101/2015. Unnikrishnan who sustained injuries on the other side is the first respondent in Crl.M.C 101/2015. Now the parties have come to terms amicably, and nobody wants to continue the prosecution. Unnikrishnan and Kalidasan have filed affidavit to the effect that the

whole dispute stands settled and resolved, and that they have no complaint or grievance now. I am well satisfied that there is a real and genuine settlement between the parties, and continuance of prosecution in such a situation will do harm and hardship to both the parties. In a situation of amicable settlement nobody will support the prosecution, if the cases go to trial. Thus continuance of prosecution will be a sheer waste of time.

In the result, both the petitions are allowed. The prosecution against the petitioner in Crl.M.C 100/2015 in C.C No. 57/2012 of the Judicial First Class Magistrate Court, Alathur, and also the prosecution against the petitioner in Crl.M.C 101/2015 in C.C No.558/2012 of the same court, will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-

P.UBAID,
JUDGE

“CC No.558/2012” occurring in the 12th line of first paragraph at page 1 and 5th line of the operative portion at page 2 of the common final order dated 08/01/2015 in Crl.M.C Nos. 100/2015 & 101/2015 is corrected and substituted as “C.C No.588/2012” as per order dated 18/02/2016 in Crl.M.A 573/2016 in Crl.M.C 101/2015.

sd/-

Registrar (Judicial)