

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Cr1.MC.No. 122 of 2015

AGAINST CC 872/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-II, KOLLAM

PETITIONER/ACCUSED:

SUDARSHANAN, AGED 45 YEARS,
S/O.THANKAPPAN, RESIDING AT SREEVILASAM,
PUTHUCHIRACHERI, THAZHUTHALA, KOLLAM.

BY ADV. SRI.SAJU J PANICKER

RESPONDENTS/STATE/DE-FACTO COMPLAINANT:

1. STATE OF KERALA,
(SUB INSPECTOR OF POLICE
SAKTHIKULANGARA POLICE STATION, CRIME NO.150/2013)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. THE CIRCLE INSPECTOR OF POLICE,
KOLLAM WEST POLICE STATION,
KOLLAM WEST, KOLLAM - 691 001.
3. JAYAKUMAR, AGED 47 YEARS,
S/O.SUKUMARAN, LEKSHMI BHAVANAM, EAST OF NEYYAR DAM,
MUKUNTHURA, KALLIKKADU, NEYYATTINKARA,
THIRUVANANTHAPURAM - 695 001.

R3 BY ADV. SRI.D.SREENATH

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 122 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE F.I.R IN CRIME NO.150/2013 OF THE
SAKTHIKULANGARA POLICE STATION.

ANNEXURE A2: THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME
NO.150/2013.

ANNEXURE A3: THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 122 of 2015

Dated this the 9th day of January, 2015

O R D E R

A prosecution under Section 353 of the Indian Penal Code initiated on the complaint of a KSRTC Conductor is sought to be quashed on the ground of amicable settlement. The petitioner herein is the sole accused in the said crime, which is now pending as C.C No.872/2013 before the Judicial First Class Magistrate Court II, Kollam. The defacto complainant Jayakumar is the 3rd respondent herein. He has filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint 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 petitioner seeks orders under Section 482 of the Code of Criminal Procedure because composition as such is not possible under the law.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioner herein in C.C No.872/2013 before the Judicial First Class Magistrate Court II, Kollam, 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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