

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Cr1.MC.No. 193 of 2015

AGAINST CC 1634/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, KOZHIKODE

CRIME NO. 246/2009 OF CHEVAYUR POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

DENCIL THIMOTHY, AGED 42 YEARS,
S/O. THIMOTHY, NADUKANDY MEETHAL HOUSE,
CHEVAYUR P.O,
KOZHIKODE DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS/COMPLAINANT & STATE:

1. E.K. RAMESH, AGED 45 YEARS,
S/O. GOPALAN, MELENADUKKANDY HOUSE,
OPP. VRINDAVAN COLONY, CHEVAYUR AMSOM DESOM,
KOZHIKODE DISTRICT - 673 017.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.

R1 BY ADV. SRI.P.V.ANOOP
R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 193 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A - COPY OF THE FINAL REPORT DT. 26.8.09 IN CRIME NO. 246/09 OF CHEVAYUR POLICE WHICH IS NOW PENDING AS CC NO. 1634/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KOZHIKODE, AGAINST THE PETITIONER.

B - COPY OF THE AFFIDAVIT FILED BY THE FIRST RESPONDENT DT. 29.12.14.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.193 of 2015

Dated this the 13th day of January, 2015

O R D E R

The petitioner herein is the original first accused in Crime No.246/2009 of the Chevayur Police Station, registered under Sections 323, 324 and 294(b) r/w 34 of the Indian Penal Code. The original 2nd accused faced trial before the learned Judicial First Class Magistrate Court I, Kozhikode, and obtained a judgment of acquittal on merits. The case against the petitioner herein was split up and refiled as C.C No.1634/2014 in the trial court when he remained absent during trial. Now he seeks orders quashing the prosecution as against him on the ground that he and the defacto complainant have amicably settled the dispute out of court. The defacto complainant is one Ramesh. He is the first 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 the parties have really come to terms and now they are on quite cordial terms. Continuance of the prosecution in such a situation will not serve any purpose, other than wasting

the precious time of the court, especially when the other accused stands acquitted on merits.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioner herein in C.C No.1634/2014 before the Judicial First Class Magistrate Court I, Kozhikode, 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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