

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. 203 of 2015

IN CC 1274/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-II, KOLLAM
CRIME NO. 1097/2013 OF PALLITHOTTAM POLICE STATION , KOLLAM

PETITIONERS/ACCUSED 1 AND 2:

1. ROBIN,
RUBIN BHAVAN, THEVALLIPURAYIDAM, VADI
KOLLAM WEST, PIN:691 501.
2. FELONE
THOPPIL PURAYIDAM, KAIKULANGARACHERI,
KOLLAM WEST
PIN:691 503.

BY ADV. SRI.SUNNY ZACHARIAH

RESPONDENT/CW1, 2 AND STATE:

1. JAISON PETER,
POONJATTU PURAYIDAM, PUNNATHALASSERY,
KOLLAM WEST-691501.
2. APPU @SIJO,
BAKERS COMPOUND, LIGHT HOUSE, KAIKULANGARACHERI,
KOLLAM WEST, PIN:691 503.
3. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PALLITHOTTAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.

R1 & 2 BY ADV. SRI.M.G.SREEJITH
R3 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. 203 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1: THE CERTIFIED COPY OF CHARGE IN CC 1274/2013 PENDING
IN THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KOLLAM

ANNEXURE A2: AFFIDAVIT FILED BY THE 1ST RESPONDENT.

ANNEXURE A2(A) : AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.203 of 2015

Dated this the 13th day of January, 2015

O R D E R

The petitioners herein are the two accused in C.C. No.1274/2013 before the Judicial First Class Magistrate Court II, Kollam. Crime in the said case was registered on the complaint of one Jaison Peter that the petitioners assaulted him and his friend Appu @ Sijo and inflicted injuries on their body with weapons. The offences involved are under Sections 294(b), 323, 324, 341, 427 and 341 of the Indian Penal Code. The petitioners now seek orders quashing the prosecution as against them on the ground that they and the injured persons have amicably settled the dispute out of court. The first informant Jaison Peter and the other injured Appu @ Sijo are the respondents 1 and 2 in this proceeding. They have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 the

prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court. Nobody will support the prosecution if the case against the petitioners goes to trial.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.1274/2013 before the Judicial First Class Magistrate Court II, 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