

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. 204 of 2015

IN CC 428/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-III, NEYYATTINKARA
CRIME NO. 194/2011 OF BALARAMAPURAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONERS:

1. VISAKAN @ KRISHNAN,
S/O.BABU, THOTTATHUVILAKOM VEEDU,
KOTTUKAL VILLAGE, ANTHIYOOR DESOM,
NALLUVILA.
2. ABHILASH, S/O.MADHU,
NALLUVILA LAKSHAMVEEDU,
HOUSE NO.38, KOTTUKAL VILLAGE,
ANTHIYOOR DESOM.
3. SHAJI, S/O.SHILENDRAN,
NALLUVILA LAKSHAMVEEDU,
HOUSE NO.2, KOTTUKAL VILLAGE,
ANTHIYOOR DESOM
4. VIJAYAN, S/O.DIVAKARAN,
PUTHUVAL VEEDU, KOTTUKAL VILLAGE,
ANTHIYOOR DESOM.
5. THANKARAJAN, S/O.SOMAN,
VICHAKAM VEEDU, MAIDAMOODU LAND,
KOTTUKAL VILLAGE, ANTHIYOOR DESOM.

BY ADV. SRI.R.GOPAN

RESPONDENTS/PETITIONERS:

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. VIPIN, S/O.BABU,
KUZHIVILA PUTHEN VEEDU,
KOTTUKAL VILLAGE, ANTHIYOOR DESOM,
THANNIMOODU - 695 021.

R2 BY ADV. SRI.SHAJIN S.HAMEED

R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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. 204 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT IN CRIME NO.194/2011 OF THE BALARAMAPURAM POLICE STATION FILED BEFORE THE J.F.C.M COURT III, NEYYATTINKARA IN S.C NO.428/2012

ANNEXURE B: AFFIDAVIT SWORN BY THE 2ND RESPONDENT BEFORE THE NOTRARY PUBLIC DATED 23.12.2014.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.204 of 2015

Dated this the 13th day of January, 2015

O R D E R

The petitioners herein are the five accused in C.C No.8428/2012 before the Judicial First Class Magistrate Court III, Neyyattinkara. Crime in the said case was registered under Sections 143, 147, 148, 149, 323 and of the Indian Penal Code, on the complaint of one Vipin. 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 Vipin 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 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.428/2012 before the Judicial First Class Magistrate Court III, Neyyattinkara, 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**

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