

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Cr1.MC.No. 262 of 2015

CRIME NO. 1070/2010 OF VENJARAMOODU POLICE STATION ,
THIRUVANANDAPURAM

PETITIONERS:

1. HARI KUMAR, AGED 42 YEARS,
S/O.BALAKRISHNA PILLAI, PUTHEN VEEDU, VENKUNNU
VEMBAYAM, THIRUVANANTHAPURAM 695 615.
2. ANEESH,
S/O.BALACHANDRAN NAIR, AJESH BHAVAN, KOPPAM,
VEMBAYAM, THIRUVANANTHAPURAM 695 615.

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. ASOKAN, AGED 38 YEARS,
S/O.KRISHNAN KUTTI CHETTIYAR,
KRISHNA VILASOM, KOPPAM
VEMBAYAM,
THIRUVANANTHAPURAM 695 615.

R2 BY ADV. SRI.K.RAJESH KANNAN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 262 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1. COPY OF THE FINAL REPORT IN CRIME NO.1070/2010 OF
VENJARAMOOD POLICE STATION, THIRUVANANTHAPURAM DISTRICT.

ANNEXURE A2. COMPROMISE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.262 of 2015

Dated this the 15th day of January, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C No.192/2011 of the Judicial First Class Magistrate Court, Nedumangadu. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 294(b), 341, 323, and 427 r/w 34 of the Indian Penal Code on the complaint of one Asokan, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable

settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.192/2011 of the Judicial First Class Magistrate Court, Nedumangadu 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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