

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

CrI.MC.No. 265 of 2015 ()

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CRIME NO. 283/2014 OF KAKKUR POLICE STATION.**

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PETITIONER/1ST ACCUSED:

**NIKHIL. A.P., AGED 19 YEARS,
S/O.VALSAN. A.P, AREEPURATH HOUSE, CHELANNUR,
KANNANKARA. P.O., KOZHIKODE- 673 617.**

**BY ADVS.SRI.SANTHARAM.P.,
SMT.REKHA ARAVIND.**

RESPONDENT/COMPLAINANT:

- 1. VISHAKH, AGED 17 YEARS,
S/O.RAMESAN, KORAPPACHANKUZHIYIL,
CHELANNUR, KOZHIKODE-673 617,
REPRESENTED BY HIS FATHER RAMESAN,
AGED 42 YEARS, KORAPPACHANKUZHIYIL,
CHELANNUR, KOZHIKODE- 673 617.**
- 2. S.H.O, KAKKUR POLICE STATION,
KOZHIKODE DISTRICT, PIN - 673 001.**
- 3. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -31.**

**R1 BY ADV. SRI.K.B.ARUNKUMAR
R2 & R3 BY PUBLIC PROSECUTOR SMT.P. MAYA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNX 1- CERTIFIED COPY OF FIR DATE 18.11.2014 IN CRIME NO.283/2014 OF KAKKUR POLICE.
- ANNX 2- TRUE COPY OF THE F.I. STATEMENT DATED 18.11.2014.
- ANNX 3- TRUE COPY OF THE CALL LETTER NO.D/4132/CEE DATED 23.12.2014 FROM THE ARMY RECRUITING OFFICE.
- ANNX 4- TRUE COPY OF THE AFFIDAVIT FILED BY THE FATHER OF THE 1ST RESPONDENT/DE-FACTO COMPLAINANT.
- ANNX 5- CERTIFIED COPY OF THE FINAL REPORT AND CHARGE DATED 30/11/2014 FILED BY THE KAKKUR POLICE BEFORE THE J.F.C.M-III, KOZHIKODE.
- ANNX 6- TRUE COPY OF THE CALL LETTER NO.D/4132/CEE DATED 23/12/2014 FROM THE ARMY RECRUITING OFFICE.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.265 of 2015

Dated this the 4th day of February, 2015

O R D E R

The petitioner herein is the 1st accused in C.C. No.51/2015 of the Judicial First Class Magistrate Court-III, Kozhikode. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 143, 147, 148, 341, 323, 324 and 308 IPC read with 149 IPC on the complaint of one Vishakh, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. As he is a minor, his father 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 as against the petitioner herein in C.C. No.51/2015 of the Judicial First Class Magistrate Court-III, 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.

Sd/-

P. UBAID, JUDGE

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