

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Crl.MC.No. 331 of 2015 ()

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CC 8/2012 of J.M.F.C., KAYAMKULAM
CRIME NO. 817/2010 OF KAYAMKULAM POLICE STATION , ALAPPUZHA**

PETITIONER(S)/ACCUSED NO.1,2:

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- 1. JAYACHANDRAN AGED 45 YEARS
S/O.BHASKARAN, EDAKKATTU VEEDU, VADAKKUKOCHU MURI
PUTHUPPALLY VILLAGE, ALAPPUZHA DISTRICT.**
 - 2. SANJU @ MANOJ AGED 35 YEARS
S/O.NEELAMBARAN, THRIVENI HOUSE, VADAKKUKOCHU MURI
PUTHUPPALLY VILLAGE, ALAPPUZHA DISTRICT.**

BY ADV. SMT.S.L.SYLAJA

RESPONDENT(S):

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- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
 - 2. SURENDRAN, AGED 68 YEARS
S/O.KUNJUKRISHNAN, EDAKKATTUKIZHAKKATHIL HOUSE
PUTHUPPALLY VADAKKUKOCHU MURI, PUTHUPPALLY VILLAGE
ALAPPUZHA DISTRICT-690 527.**

R2 BY ADV. SRI.M.R.NANDAKUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Imp

Crl.MC.No. 331 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I. CERTIFIED COPY OF THE FIR IN CC NO.8/2012 OF THE JFCMC-KAYAMKULAM.

ANNEXURE-II. CERTIFIED COPY OF THE FINAL REPORT FILED BEFORE THE JFCMC, KAYAMKULAM IN CC NO.8/2012.

ANNEXURE-III. AFFIDAVIT DATED 9/1/2015 OF THE DEFACTO-COMPLAINANT (2ND RESPONDENT)

RESPONDENT(S)' EXHIBITS- NIL

//TRUE COPY//

P.A. TO JUDGE

Imp

P.UBAID, J.

Crl.M.C No.331 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioners herein are the 1st and 2nd accused in C.C No. 8 of 2012 of the Judicial First Class Magistrate Court, Kayamkulam. 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 323,324 and 34 of IPC on the complaint of one Surendran who is the second 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.8 of 2012 of the Judicial First Class Magistrate's Court, Kayamkulam 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

