

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 411 of 2015

C.C.NO.85/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
NORTH PARAVUR

PETITIONER(S)/ACCUSED 1-5 :

1. BAIJU @ BIJU, AGED 45 YEARS,
S/O.BALAKRISHNAN, CHUDUKATTIL VEEDU, KUNJITHAI,
VADAKKEKARA, ERNAKULAM DISTRICT.
2. MANI @ MANOJKUMAR, AGED 45 YEARS,
S/O.BALAKRISHNAN, CHUDUKATTIL VEEDU, KUNJITHAI,
VADAKKEKARA, ERNAKULAM DISTRICT.
3. RAJESH, AGED 30 YEARS,
S/O.RAVEENDRAN, KUNUNGAPARAMBIL HOUSE, PALLIPURAM,
KUZHIPILLY, ERNAKULAM DISTRICT.
4. VIJAYARAJ, AGED 32 YEARS,
S/O.RAJU, KOYIPALLY HOUSE, NEAR VALLI VALAVU,
KUZHIPILLY, MUNAMBOM, ERNAKULAM DISTRICT.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
(REPRESENTING THROUGH STATION HOUSE OFFICER,
VADAKKEKKARA POLICE STATION,
ERNAKULAM DISTRICT)-683 522.
2. RAJAN, AGED 68 YEARS,
S/O.KRISHNAN, VALLYAKKAN VEEDU, KUNJTHAI,
VADAKKEKKARA, ERNAKULAM DISTRICT-683 522.
3. JOLLY, AGED 43 YEARS,
S/O.JOSEPH, KATTUPARAMBIL VEEDU, KUZHIPILLY,
MUNAMBOM, ERNAKULAM DISTRICT-683 522.

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 & R3 BY ADV. SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: A COPY OF THE CHARGE SHEET IN C.C.85/2009 PENDING ON
THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
N.PARAVUR.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P. UBAID, J.

Crl.M.C.No.411 of 2015

Dated this the 21st day of January, 2015

O R D E R

The petitioners herein are the four accused in C.C.No.85/2009 of the Judicial First Class Magistrate Court, N. Paravur. 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 447, 341, 323, 294(b) and 427 read with 34 IPC on the complaint of one Rajan, 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. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also 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.85/2009 of the Judicial First Class Magistrate Court, N. Paravur, 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.

Sd/-

P. UBAID, JUDGE

sd