

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Cr1.MC.No. 418 of 2015

CRIME NO. 608/2013 OF VATTAPPARA POLICE STATION,
THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1-4:

1. VISHNU PRASAD @ JAYESH, AGED 29 YEARS,
S/O.JAYA KUMAR, J.V.NILAYAM, MOHANAPURAM,
KOYTHOORKONAM, ANDOORKONAM VILLAGE,
THIRUVANANTHAPURAM-695615.
2. SREEJITH, AGED 29 YEARS,
S/O.SREEDHARAN, SREEJITH BHAVAN, MADAN NADA,
THEKKADA, VEMBAYAM P.O., THIRUVANANTHAPURAM-695615.
3. SUBHASH, AGED 33 YEARS,
S/O.GOPI, VILAYIL VEEDU, MADAN NADA,
THEKKADA, VEMBAYAM P.O., THIRUVANANTHAPURAM-695615.
4. SUNI, AGED 36 YEARS,
S/O.GOPI, VILAYIL VEEDU, MADAN NADA,
THEKKADA, VEMBAYAM P.O., THIRUVANANTHAPURAM-695615.

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. GIREESH CHANDRA BABU, AGED 52 YEARS,
S/O.KRISHNA PILLAI, SAILAJA BHAVAN, MADAN NADA,
VEMBAYAM P.O., THIRUVANANTHAPURAM-695615.

R2 BY ADV. SRI.A.S.SHAMMY RAJ
R1 BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015, ALONG WITH CRL.M.C NO.419/2015. THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 418 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE FINAL REPORT IN CRIME NO.608/2013 OF
VATTAPPARA POLICE STATION, THIRUVANANDAPURAM

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

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C Nos.418 & 419 of 2015

Dated this the 22nd day of January, 2015

O R D E R

In connection with an incident of assault and a retaliative assault as part of the same transaction, two crimes were registered, at the Vattappara Police Station, Thiruvananthapuram District. Crime No.608/2013 was registered under Sections 447, 294(b) and 427 of the Indian Penal Code on the complaint of one Gireesh Chandra Babu. The petitioners in Crl.M.C No.418/2015 are the four accused in the said crime, and the defacto complainant Gireesh Chandra Babu is the 2nd respondent in this proceeding. Crime No.610/2013 was registered under Sections 323 and 324 of the Indian Penal Code as a counter case on the complaint of one Suni that he and his friends Sreejith and Subhash sustained injuries in the alleged incident on the other side. The petitioners in Crl.M.C No.419/2015 are the three accused in the said crime. The respondents 2 to 4 are the defacto complainant in Crime No.610/2013. The case in Crime No.608/2013 is now pending as C.C. No.1481/2013 before the Judicial First Class Magistrate

Court I, Nedumangadu and the case in Crime No.610/2013 is pending before the same court as C.C. No.1482/2013. These two prosecutions are now sought to be quashed on the ground that the parties have come to terms amicably out of court, and the whole dispute between the two groups stands settled. The defacto complainant and the other injured persons who are respondents in these two proceedings have filed affidavit to the effect that the whole dispute now stands settled, and they have no grievance or complaint now. I am well satisfied that the parties have come to terms amicably out of court, and the parties are now on quite cordial terms. The compromise was infact made on the intervention of persons acceptable to both sides. In such a situation of amicable settlement, I find that continuance of prosecution 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. Continuance of prosecution will cause harm and hardship to both the parties.

In the result, these two petitions are allowed. The prosecution now pending before the Judicial First Class Magistrate Court I, Nedumangadu in C.C No.1481/2013 as against the petitioners in Crl.M.C No.418/2015, and also the

prosecution in C.C No.1482/2013 of the same court as against the petitioners in Crl.M.C No.419/2015 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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