

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

CrI.MC.No. 426 of 2015 ()

**CP. NO.70/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
PATHANAMTHITTA.**

CRIME NO. 1190/2013 OF PATHANAMTHITTA POLICE STATION.

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PETITIONERS/ACCUSED:

- 1. JOHNSON, AGED 29 YEARS,
S/O.RAJU GEORGE, VELOOR VADAKKETHIL HOUSE,
THAZHE VETTIPROM, VETTIPROM, PATHANAMTHITTA VILLAGE,
PATHANAMTHITTA DISTRICT.**
- 2. BINAS BASHEER, AGED 19 YEARS,
S/O.BASHEER, METTATTU PUTHENVEETIL HOUSE,
CHERIYIL MUKKU, MANDARAM MURIYIL, KONNI VILLAGE,
PATHANAMTHITTA DISTRICT.**
- 3. SARATH SASIDHARAN, AGED 20 YEARS,
REVATHALAYAM HOUSE, THAZHE VETTIPROM, VETTIPROM,
PATHANAMTHITTA VILLAGE, PATHANAMTHITTA DISTRICT.**
- 4. SREENU.B., AGED 23 YEARS,
S/O.BAIJU, SREENU BHAVANAM, THAZHE VETTIPRO,
NOW RESIDING AT C/O.SUNIL, PUTHENVEETIL HOUSE,
MAILAMBRAM, KAIRALEEPURAM, PATHANAMTHITTA VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.BIBIN K.DIVAKARAN.

RESPONDENTS/STATE AND CW1:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. RAHUL THILAK, AGED 25 YEARS,
S/O.RAVI THILAK, SRUTHI LAYAM METTIPURAM,
PATHANAMTHITTA DISTRICT- 665 120.**

**R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.
R2 BY ADV. SRI.M.V.LALU MATHEWS.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE-A: FINAL REPORT IN C.P.NO.70/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1, PATHANAMTHITTA.

ANNEXURE-B: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.UBAID, J.

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**Crl.M.C No.426 of 2015**

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Dated this the 22nd January, 2015

ORDER

The petitioners herein are the four accused in C.P. No.70 of 2014 of the Judicial First Class Magistrate's Court-I, Pathanamthitta. 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 143, 147, 148, 149, 323, 324, 308, and 294 (b) of Indian Penal Code on the complaint of one Rahul Thilak, 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. On a perusal of the files, I find that Section 308 was incorporated by the Police on the basis of a hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.P. No.70 of 2014 of the Judicial First Class Magistrate's Court-I, Pathanamthitta 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**

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/True copy/

P.S to Judge