

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

Crl.MC.No. 454 of 2015 ()

**IN CC 631/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM
CRIME NO. 3013/2010 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM**

PETITIONER(S):

- 1. AJIKUMAR AGED 24 YEARS
S/O.P.K.SOMARAJAN, KADAMBANADU SOUTH.P.O.
PATHANAMTHITTA.**
- 2. PRASOBH P.S AGED 24 YEARS
S/O.SHAKTHIDHARAN, PUTHANPURAKKAL(H), KUMBALANGI
KOCHI-07.**
- 3. BEN TOM AGED 28 YEARS
S/O.THOMAS PAUL, MOONJAPILLY VEEDU, THALAKKOTTUNADA
THENGODU.P.O., ERNAKULAM.**
- 4. ANEESH AGED 27 YEARS
S/O.P.K.SHANMUKHAN, PATTUPARAMBIL VEEDU, CHENDAMKULAM
P.O.NORTH PARAVOOR.**
- 5. ANUMON V.S AGED 27 YEARS
S/O.SASIDHARAN, VATTUKULAM VEEDU, KANNARA.P.O.
TRISSUR.**
- 6. DHANESH K.P AGED 27 YEARS
S/O.PEETHAMBARAN, KOZHIKKATTIL (H)
THAIKKATTUKARA.P.O., NORTH PARAVOOR, ALUVA.**
- 7. ANSHU E.S, AGED 28 YEARS
S/O.SURESH, S.S.VILLA, EYYAPPATTA
VELLARADA.P.O., THIRUVANANTHAPURAM.**
- 8. BINIL BHASI AGED 30 YEARS
S/O.BHASI, KOTTARATHIL(H), CHEMBU.P.O.
VAIKOM.**
- 9. ANEESH A.C AGED 28 YEARS
S/O.ACHUTHAN, CHITHRABHAVAN, KATTAKADA
NEAR PETROL PUMP, THIRUVANANTHAPURAM.**

- 10. ANEESH E.A AGED 29 YEARS**
S/O.K.J.AYYAPPAN, ELLUNADA, KARODE VEEDU
VELLUR, PUTHANKURISH.P.O., ERNAKULAM.
- 11. D.VINAYAKUMAR AGED 26 YEARS**
S/O.DIVAKARAN ASHARI, DEEPA NIVAS, ETTIN KADAVU
KADAKKAL.P.O., KOLLAM.

BY ADV. SRI.R.ROHITH

RESPONDENT(S):

- 1. STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
- 2. ROSHAN, AGED 28 YEARS**
S/O.THOMAS, VILLA HERITAGE, CHIRAKKAL.P.O.
KANNUR.

R2 BY ADV. SRI.SAYED MURTHALA THANGAL
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

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

Crl.MC.No. 454 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- A TRUE COPY OF F.I.R NO.3013/10 DATED 23.10.2010 REGISTERED BY
CENTRAL POLICE STATION ERNAKULAM.**

**ANNEXURE A2- A TRUE COPY OF THE CHARGE SHEET DATED 30.11.2010 IN
C.C.NO.631/11 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT
II, ERNAKULAM.**

ANNEXURE A3- A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 454 of 2015

Dated this the 22nd day of January, 2015.

O R D E R

The petitioners herein are the accused in C.C No. 631/2011 of the Judicial First Class Magistrate Court II, Ernakulam. 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 427, 109, 114 and 379 r/w 34 of IPC, on the complaint of one Roshan 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 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 proceedings 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.631/2011 of the Judicial First Class Magistrate's Court II, Ernakulam 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

sab