

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

Cr1.MC.No. 464 of 2015

IN CC 529/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
NEDUMKANDAM

CRIME NO. 474/2014 OF NEDUMKANDAM POLICE STATION, IDUKKI

PETITIONERS/ACCUSED:

1. SIYYADH, AGED 33 YEARS,
S/O.FAZILUDHEEN, CHARUVILA PUTHEN VEEDU,
THANNIMOODU, NEDUMKANDAM,
PARATHODE VILLAGE,
IDUKKI DISTRICT.
2. SALIM.H, AGED 31 YEARS,
S/O.ASSAINAR, BLOCK NO.264,
THANNIMOODU, NEDUMKANDAM, PARATHODE VILLAGE,
IDUKKI DISTRICT

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE DIRECTOR OF PUBLIC
PROSECUTIONS, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
NEDUMKANDAM POLICE STATION,
IDUKKI - 685 586.
3. SUNEESH, AGED 26 YEARS,
S/O.KRISHNANKUTTY, VELLIKUNNEL HOUSE,
NEDUMKANDAM KARA, THANNIMOODU METTAKIL BHAGOM,
PARATHODE VILLAGE, UDUMBANHOLA TALUK,
IDUKKI DISTRICT - 685 584

R3 BY ADV. SRI.R.ARUN

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

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

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.474/2014 OF NEDUMKANDAM POLICE STATION.

ANNEXURE A2: COPY OF THE FINAL REPORT IN ANNEXURE A1

ANNEXURE A3: COPY OF THE FI STATEMENT

ANNEXURE A4: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.464 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioners herein are the two accused in C.C No.529/2014 of the Judicial First Class Magistrate Court, Nedumkandam. 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 393, 341, 294(b) and 501(1) r/w 34 of the Indian Penal Code on the complaint of one Suneesh who is the 3rd 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.529/2014 of the Judicial First Class Magistrate's Court, Nedumkandom 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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