

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Cr1.MC.No. 504 of 2015 ()

IN CP 58/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
ALUVA

CRIME NO. 674/2007 OF ALUVA POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED NOS 1 TO 4:

1. DIVIN, AGED 29 YEARS,
S/O. MOHANAN, PADINJAREKKARA HOUSE,
KARUMALLOOR
2. SHANAVAS, AGED 31 YEARS,
S/O.KAREEM, THACHATTUPARAMBIL HOUSE,
KARUMALLOOR
3. PRAVEEN @ KANNAN, AGED 28 YEARS,
S/O.SASIDHARAN, NADUVILEPARAMBIL HOUSE,
KARUMALLOOR
4. SHINOJ, AGED 30 YEARS,
S/O.PRAKASHAN, KOCHUPARAMBIL HOUSE,
KARUMALLOOR

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS/STATE AND DE-FACTO COMPLAINT:

1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE, ALUVA
POLICE STATION
2. ANEESH, AGED 31 YEARS,
S/O.PRABHAKARAN, ILLIPARAMBIL HOUSE, PUTHUKKAD BHAGAM
KARUMALLOOR KARA, KARUMALLOOR VILLAGE

R2 BY ADV. SRI.K.A.ANAS

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 504 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FIR AND F I STATEMENT IN CRIME
NO 674 OF 2007 OF ALUVA POLICE STATION

ANNEXURE A2:-CERTIFIED COPY OF FINAL REPORT/CHARGE SHEET IN C P
NO 58/2014 ON THE FILE OF JFCM 1 ALUVA

ANNEXURE A3:-CERTIFIED COPY OF WOUND CERTIFICATE

ANNEXURE A4:-AFFIDAVIT FILED BY RESPONDENT NO 2

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.504 of 2015

Dated this the 2nd day of February, 2015

O R D E R

The petitioners herein are the four accused in C.P No.58/2014 of the Judicial First Class Magistrate Court I, Aluva. 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 and 308 r/w 149 of the Indian Penal Code on the complaint of one Aneesh 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. I find that Section 308 of IPC was incorporated by the police on the basis of some hypothetical statement. 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.P No.58/2014 of the Judicial First Class Magistrate Court I, Aluva 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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