

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Cr1.MC.No. 526 of 2015

IN C.C. NO.577/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
NEDUMANGAD

CRIME NO. 4/2013 OF ARUVIKKARA POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 TO 5:

1. VISHNU, AGED 25 YEARS,
S/O.RAMACHANDRAN NAIR, PRASSANNA VILASOM,
CHERIYAKONNI P.O., THIRUVANANTHAPURAM DISTRICT.
2. THARUN BABU, AGED 25 YEARS,
S/O.BABU, THARA NIVAS, CHERIYAKONNI P.O,
THIRUVANANTHAPURAM DISTRICT.
3. JITHU, AGED 23 YEARS,
S/O.SREEKUMAR, AYILYAM VEEDU, KATHALOORMUTTAM,
CHERIYAKONNI P.O, THIRUVANANTHAPURAM DISTRICT.
4. ANANTHU KRISHNAN, AGED 21 YEARS,
S/O.MADHUSOODANAN NAIR, LATHIKA BHAVAN,
KATHALOORMUTTAM, CHERIYAKONNI P.O,
THIRUVANANTHAPURAM DISTRICT.
5. DILEEP KUMAR, AGED 32 YEARS,
S/O.KRISHNAN KUTTY ASHARI, GIRIJALAYAM,
CHERIYAKONNI P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.VISHNU BHUVANENDRAN

RESPONDENTS/DEFACTO COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
ARUVIKKARA POLICE STATION
THIRUVANANTHAPURAM DISTRICT - 695 564.

3. RAJESH, AGED 36 YEARS,
S/O.SHANMUGHAN ASSARI, AYILYAM VEEDU,
THAZHEKONNI,
CHERIYAKONNI P.O.
THIRUVANANTHAPURAM DISTRICT - 695 013.

R3 BY ADV. SRI.C.U.SANGEETH
R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 526 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: CERTIFIED COPY OF THE FIRST INFORMATION REPORT DATED
2/1/2013.

ANNEXURE II: CERTIFIED COPY OF THE FINAL REPORT DATED 30/03/2013.

ANNEXURE III: COPY OF THE SETTLEMENT AFFIDAVIT DATED 30/12/2014.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.526 of 2015

Dated this the 29th day of January, 2015

O R D E R

The petitioners herein are the five accused in C.C No.577/2013 of the Judicial First Class Magistrate Court II, Nedumangad. 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, 341, 294(b), 323, 324 and 341 r/w 149 of the Indian Penal Code on the complaint of one Rajesh 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.577/2013 of the Judicial First Class Magistrate's Court II, Nedumangad 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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