

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. 532 of 2015 ()

IN CC 589/2014 of ADDL.C.J.M., ERNAKULAM
CRIME NO. 574/2014 OF PANAGAD POLICE STATION , ERNAKULAM

PETITIONER(S)/PETITIONERS/ACCUSED NO 1 TO 5:

1. THANSEEF K.L AGED 22 YEARS
S/O.ABDHUL LATHEEF, KOROTHIL HOUSE,
KALPAKANJERI P.O, MALAPPURAM DIST PIN 676 551
2. VISHNU A.S AGED 22 YEARS
S/O.ANIL KUMAR, VYSHNAVAM HOUSE,
VELIYAM WEST P.O, THANNIMUKKU,
KOLLAM DIST PIN 691 540
3. SHIBU H AGED 21 YEARS
S/O.HRIDHAYADASAN, SHEEJA BHAVANAM,
POZHIYOOR P.O,TRIVANDRUM DIST, PIN 695 513
4. ARUN T AGED 21 YEARS
S/O.THANKKAN, KUMARATHOPPIL HOUSE,
ALUMKADAVU P.O, KARUNAGAPPALLY,
KOLLAM DIST PIN 690 573
5. ARJUN SUNIL AGED 20 YEARS
S/O.SUNIL, SREESYLAM HOUSE,
AVANAVANCHERY P.O, ATTINGAL,
TRIVANDRUM DIST PIN 695 103

BY ADV. SRI.DEEPAK MOHAN

RESPONDENT(S)/RESPONDENTS/STATE AND CW1:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PANAGAD POLICE STATION REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. BIJULAL, AGED 22 YEARS
S/O.RAJENDRA BABU, BABU BHAVAN, KOZHIKKARA
PARAVOOR P.O, KOLLAM DIST, PIN 691 301

R BY SMT.S.HYMA,PUBLIC PROSECUTOR

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. 532 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1 - TRUE COPY OF THE CHARGE SHEET IN CC NO 589/2014 PENDING
BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT
AT ERNAKULAM ARISING OUT OF CRIME NO 574/2014 OF PANANGAD
POLICE STATION.

ANNEXURE A2 - AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

P.A.TO JUDGE

P.UBAID, J.

Crl.M.C No.532 of 2015

Dated this the 2nd day of February, 2015

O R D E R

The petitioners herein are the five accused in C.C No.589/2014 of the Additional Chief Judicial Magistrate Court, 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 323, 324 and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Bijulal 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 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.589/2014 of the Additional Chief Judicial Magistrate Court, 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**

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