

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

Crl.MC.No. 559 of 2015 ()

CRIME NO. 162/2010 OF KASARAGOD POLICE STATION, KASARGOD

PETITIONER(S):

**1. ASOKAN AGED 32 YEARS
S/O NARAYANAN, KUNNIYANGANAM HOUSE, PERIMBALA
KANAD , KASARGOD**

**2. GIRI, S/O BALAKRISHNAN, AGED 27 YEARS
THAZHATHADI HOUSE, PARAVANADUKKAM**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

**1. SUNIL, AGED 34 YEARS
S/O SOMAPPA, MANIYANGANAM HOUSE, PARAVANADUKKAM
CHEMMANAD, KASARGOD 673125**

2. THE SUB INSPECTOR OF POLICE, KASARGOD POLICE STATION,

**3. STATE OF KERALA, REP: BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM 6982031**

**R1 BY ADV. SRI.CIBI THOMAS
R2-3 BY PUBLIC PROSECUTOR SMT. P. MAYA**

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

Crl.MC.No. 559 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CR.NO.162/2010

ANNEXURE 2: TRUE COPY OF THE FINAL REPORT

ANNEXURE III: TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 559 of 2015

Dated this the 29th day of January, 2015.

O R D E R

The petitioners herein are the accused in C.C No.976/2010 of the Judicial First Class Magistrate Court, Kasaragod, now pending as L.P.C No.20/2014. 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, r/w 34 of IPC, on the complaint of one Sunil who is the first 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 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. 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 LPC No.20/2014 of the Judicial First Class Magistrate's Court, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

P.UBAID,
JUDGE

sab