

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Cr1.MC.No. 592 of 2015

IN CC 601/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
MUVATUPUZHA
CRIME NO. 891/2014 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED NOS.1 TO 4:

1. MONISH, AGED 27 YEARS,
S/O. NAZZAR, PADINJARECHALIL HOUSE, AZAD ROAD,
KAVUNKARA KARA, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA.
2. NIJEESH, AGED 29 YEARS,
S/O. KOCHUMHAMMED, UPPUTTINGAL HOUSE, AZAD ROAD,
KAVUNKARA KARA, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA.
3. SHEMEEM, AGED 26 YEARS,
S/O. AHAMMED, VADAKKEDATH HOUSE, AZAD ROAD,
KAVUNKARA KARA, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA.
4. SHAMEER @ SAJIR, AGED 27 YEARS,
S/O. ALIYAR, PAREKKUDI HOUSE, AZAD ROAD,
KAVUNKARA KARA, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA.

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. GANESH KUMAR, AGED 39 YEARS,
S/O. GOPALAN, PERUVANALIMITHAI HOUSE,
ANNASSERY KARAYIL, THALAKKULATHOOR VILLAGE,
KOZHIKODE - 673 001.

R2 BY ADV. SRI.T.B.MOHAMMED ANVARSHAH
R BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 592 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : CERTIFIED COPY OF THE CHARGE SHEET.

ANNEXURE A2 : AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 592 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioners herein are the four accused in C.C No.601/2014 of the Judicial First Class Magistrate Court, Muvattupuzha. 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 353, 451, 294(b) and 506(1) r/w 34 of the Indian Penal Code on the complaint of one Ganesh Kumar 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. 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.601/2014 of the Judicial First Class Magistrate Court, Muvattupuzha 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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