

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

CrI.MC.No. 645 of 2015 ()

-----  
AGAINST CC 2343/2014 of J.M.F.C. - I, PARAVUR  
CRIME NO. 77/2014 OF VADAKKEKARA POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

-----

1. ASHWIN AGED 18 YEARS  
S/O.BENNY, PUTHENVEETIL, MADAPLATHURUTH BHAGOM  
MADAPLATHURUTH KARA, MOOTHAKUNNAM VILLAGE  
NORTH PARAVUR, ERNAKULAM DISTRICT.
2. AJISH AGED 20 YEARS  
S/O.GEORGE, PUKKATT HOUSE, KURIAPPILLI BHAGOM  
KURIAPPILLI KARA, MOOTHAKUNNAM VILLAGE, NORTH PARAVUR  
ERNAKULAM DISTRICT.
3. ATHUL AGED 20 YEARS  
S/O.RAJAN, MULLASSERY HOUSE, VAVAKKADU KARA  
MOOTHAKUNNAM VILLAGE, NORTH PARAVUR  
ERNAKULAM DISTRICT.
4. VISHNU AGED 19 YEARS  
S/O.PRADEEP, THOZHUTHIPPARAMBIL HOUSE  
MADAPLATHURUTH KARA, MOOTHAKUNNAM VILLAGE  
NORTH PARAVUR, ERNAKULAM DISTRICT.
5. MIDHUN AGED 19 YEARS  
S/O.LAVAN, KOCHERAYIL HOUSE, VAVAKKADU KARA  
VADAKKEKKARA VILLAGE, NORTH PARAVUR  
ERNAKULAM DISTRICT.

BY ADVS.SRI.PRASUN.S  
SRI.PAUL MATHEW (PERUMPILLIL)  
SRI.P.V.SREENIJIN  
SMT.K.B.SONY

RESPONDENT(S)/STATE AND CWS1 AND 2-INJURED:

-----

1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.
2. SARATH, AGED 23 YEARS  
S/O.PURUSHOTHAMAN, VADASSERIVELIYIL HOUSE  
VELORVATTOM BHAGAM, VELORVATTAM VILLAGE  
CHERTHALA TALUK, ALAPPUZHA DISTRICT.
3. SACHIN, AGED 19 YEARS  
S/O.SATHYAN, SACHIN BHAVAN, PATTANAKKAD KARA  
CHERTHALA TALUK, ALAPPUZHA DISTRICT.

R2 BY ADV. SRI.M.REVIKRISHNAN  
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

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

-----

APPENDIX

PETITIONER(S)' EXHIBITS

-----

ANNEXURE A1- THE TRUE COPY OF THE CHARGE SHEET IN CRIME NO.77 OF 2014 OF VADAKKEKKARA POLICE STATION.

ANNEXURE A2- THE AFFIDAVIT DATED 22.01.2015 SWORN BY THE 2ND RESPONDENT HEREIN.

ANNEXURE A3- THE AFFIDAVIT DATED 22.01.2015 SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

-----

/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
~~~~~  
**Crl.M.C No.645 of 2015**  
~~~~~  
**Dated this the 2<sup>nd</sup> February, 2015**

**ORDER**

The petitioners are the five accused in C.C No.2343 of 2014 of the Judicial First Class Magistrate Court-I, North Paravur. 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, 341, 323 and 149 of Indian Penal Code on the complaint of one Sarath, who is the 2<sup>nd</sup> 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. The other person who sustained injuries in the alleged incident is the 3<sup>rd</sup> respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance

or complaint now.

3. 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.2343 of 2014 of the Judicial First Class Magistrate's Court-I, North Paravur 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.

**Sd/-  
P.UBAID  
JUDGE**

ma

/True copy/

P.S to Judge