

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Crl.MC.No. 665 of 2015 ()

IN SC 65/2011 of D.C.& SESSIONS COURT,PATHANAMTHITTA

PETITIONER(S)/ACCUSED NOS.1 TO 5:

- 1. MANU, AGED 32 YEARS
S/O.SUKUMARAN NAIR, KALLUKKATTU VEEDU, MALAYALAPPUZHA
THAZHAM, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.**
- 2. BIJU, AGED 31 YEARS
S/O.BHASKARAN NAIR, PLAVARA VEEDU
NEAR MALAYALAPPUZHA TEMPLE THAZHAM, MALAYALAPPUZHA
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.**
- 3. SREEJITH, AGED 26 YEARS
S/O.UTHAMAN NAIR, PLAVARA VEEDU, THAZHAM
MALAYALAPPUZHA VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT.**
- 4. NIDHEESH, AGED 27 YEARS
S/O.NARAYANAN, NIDHEESH BHAVAN, THAZHAM
MALAYALAPPUZHA VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT.**
- 5. MAHESH, AGED 55 YEARS
S/O.MOHANAN NAIR, PANACHEYIL HOUSE, THAZHAM
MALAYALAPPUZHA VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. SHAFIQ, , AGED 24 YEARS
S/O.JAMAL, KOIKKALMELETHIL HOUSE, PALANCHUZH
PATHANAMTHITTA DISTRICT-689 645.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SRI.RAAJESH S.SUBRAHMANIAN
R 2 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-02-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME NP.1116 OF 2014 OF KONNI POLICE STATION.

ANNEXURE A1(A) : TRUE COPY OF THE REPORT DATED 08-02-2009 IN CRIME NO.1116 OF 2014 OF KONNI POLICE STATION.

ANNEXURE A2 : TRUE COPY OF THE FINAL REPORT DATED 07-02-2009 IN CRIME NO.1116 OF 2014 OF KONNI POLICE STATION.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 665 of 2015

Dated this the 3rd day of February, 2015.

O R D E R

The petitioners herein are the five accused in S.C No. 65 of 2011 before the Court of Session, Pathanamthitta. The victim of offence in this case was aged below 18 years on the date of incident. On the said ground the case was committed to the court of Session. The petitioners 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, 144, 147, 148, 341, 323, 325 r/w 149 of IPC and under Section 25 and 27 of the Arms Act 1959 on the complaint of one Shafiq who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He is now aged 24 years. 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. 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. This is not a case involving any public interest or public issue. 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 S.C No. 65 of 2011 of the Court of Session, Pathanamthitta. 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