

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. 680 of 2015 ()

CRIME NO. 778/2012 OF KARAMANA POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED A1 TO A4:

1. ARJUN AGED 23 YEARS
S/O.RATHEESH, "MADHAVAM", VETTUVENI
HARIPPAD, ALAPPUZHA
2. DAYAL AGED 25 YEARS
S/O.SIVANANDAN, VALATHUNKAL, ERAVIPURAM
KOLLAM
3. ARJUN MOHAN, S/O.MOHANAN AGED 24 YEARS
AAMBATTU HOUSE, VELIYAM PALLICKAL, THODUPUZHA
4. KAZIM, S/O.ABDUL NAZAR AGED 24 YEARS
KAZIM MAHAL, KALIKADAPPURAM, PAYANNUR
KANNUR

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.SANDEEP T.GEORGE

RESPONDENT(S)/STATE, DEFACTO COMPLAINANT:

1. STATE OF KERALA
REP. BY IT SPUBLIC PROSECUTOR
HIGH COURT OF KERALA - 682 031
2. NIKHIL S, S/O.SEBESHAN, AGED 22 YEARS
"GOKULAM", NEAR CHITTATIN TEMPLE, VENKODI
VARKALA, THIRUVANANTHAPURAM - 695 601.

R2 BY ADV. SMT.BREJITHA UNNIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

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

Crl.MC.No. 680 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNX A- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.778/12 OF
KARAMANA POLICE STATION THIRUVANANTHAPURAM

ANNX B- ORIGINAL AFFIDAVIT EXECUTED BY TEH 2ND RESPONDENT DATED
17.1.2015

ANNX C- ATTESTED COPY OF THE VOTER ID CARD OF THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.680 of 2015**  
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Dated this the 3rd February, 2015

ORDER

The petitioners are the four accused in Crime No.778 of 2012 of the Karamana Police Station, now pending as S.C.117 of 2013 of the Court of Session, 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, 308 and 34 of Indian Penal Code on the complaint of one Nikhil, 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. On examination of the records, I find that Section 308 was incorporated in the proceedings by the Police on the basis of a purely hypothetical statement. There is nothing to attract such an offence.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.117 of 2013 of the Assistant Sessions Court, Thiruvananthapuram, 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**

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/True copy/

P.S to Judge