

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 698 of 2015 ()

**IN CC 871/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR
CRIME NO. 219/2013 OF ENATHU POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/PETITIONERS/ACCUSED 1 & 2:

- 1. ROBIN JOY @ SUJITH AGED 28 YEARS
S/O JOY THEKKECHARUVIL VEEDU, LEKSHMINADA JUNCTION
THUVAYOORTHEKKU P.O., THUVAYOORTHEKKU MURI, KADAMPANAD
ADOOR-691552.**
- 2. VIPIN AGED 28 YEARS
S/O THANKAPPAN, PALAVILAYIL VEEDU
LEKSHMINADA JUNCTION, THUVAYOORTHEKKU P.O.
THUVAYOORTHEKKU MURI, KADAMPANAD, ADOOR-691552.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/RESPONDENTS/STATE CW1:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM-682031.**
- 2. RAMESH, AGED 27 YEARS
S/O MOHANAN OTTAPLAVILA PUTHENVEEDU
MANJALI THUVAYOORTHEKKU P.O., THUVAYOORTHEKKU MURI
KADAMPANAD, ADOOR-691552.**

**R BY PUBLIC PROSECUTOR SMT. S. HYMA
R BY SRI.SERGI JOSEPH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 698 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: THE CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.871/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR AND IN CRIME NO.219/2013 OF ENATHU POLICE STATION.

ANNEXURE A2: AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE SETTLEMENT OF ALL THE DISPUTES.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 698 of 2015

Dated this the 4th day of February, 2015.

O R D E R

The petitioners herein are the two accused in C.C No.871/2013 of the Judicial First Class Magistrate Court, Adoor. 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 341, 294(b) and 324 IPC on the complaint of one Ramesh who is the second 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. 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 C.C No.871/2013 of the Judicial First Class Magistrate's Court, Adoor 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

sab