

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Crl.MC.No. 732 of 2015 ()

AGAINST SC 155/2013 of ADDL. SESSIONS COURT - I, KASARAGOD
CRIME NO. 704/2012 OF HOSDURG POLICE STATION , KASARGOD

PETITIONER(S):

1. ABHILASH AGED 23 YEARS
S/O.RAGHAVAN, RESIDING AT KOLAVAYAL, P.O.KOLAVAYAL
AJANUR VILLAGE, KASARAGOD DISTRICT.
2. BABEESH.K.
S/O.VINOD, RESIDING AT KOLAVAYAL, P.O.KOLAVAYAL
AJANUR VILLAGE, KASARAGOD DISTRICT
3. GIREESH.M.V.
S/O.GANGADHARAN, MUNDAVALAPPIL HOUSE, POYYAKARA
PO.THITHARI, KASARAGOD DISTRICT

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COUT OF KERA
ERNAKULAM REPRESENTING STATION HOUSE OFFICE
HOSDURG POLICE STATION.
2. DAMODHARAN.P.
S/O.AMBUNHI, KALLUVARAMBATH HOUSE, RAVANESHWARAM
P.O.RAVANESWARAM, CHITHARI VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT - 671 121.

R2 BY ADV. SRI.A.L.GEORGE
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 732 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1:TRUE COPY OF THE FIR IN CRIME NO.704/2012 OF HOSDURG
POLICE STATION

ANNEXURE A2:TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 30.01.2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.732 of 2015**  
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Dated this the 10th February, 2015

ORDER

The petitioners herein are the three accused in S.C No.155 of 2013 of the Additional Sessions Court-I, Kasaragod. 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, 323, 324 and 308 read with 34 of Indian Penal Code on the complaint of one Damodharan, 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 a perusal of the case records, I find that Section 308 of Indian Penal Code was in fact incorporated in the F.I.R and the final report on the basis of a purely hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C.No.155 of 2013 of the Additional District Court-I, Kasaragod 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

