

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Crl.MC.No. 761 of 2015 ()

**IN CC 2174/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THALASSERY
CRIME NO. 275/2014 OF DHARMADOM POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED 1-4:

- 1. RIJIN AGED 23 YEARS
S/O.MOHAN, RIJIN NIVAS, KIZHAKKUKMBHAGOM
PINARAYI AMSOM, KANNUR DISTRICT.**
- 2. THEJUS AGED 22 YEARS
S/O.RAVINDRAN, SRIDEEPAM HOUSE, PINARAYI AMSOM
KANNUR DISTRICT.**
- 3. JYOTHISH AGED 24 YEARS
S/O.HARI, KANDOTH HOUSE, KIZHAKKUMBHAGOM
PINARAYI AMSOM, KANNUR DISTRICT.**
- 4. SREEJESH AGED 32 YEARS
S/O.SASI, THOTTOLI PARAMBU HOUSE, MABARAM
KANNUR DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SRI.M.S.DILEEP**

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SANJAY V.M., AGED 36 YEARS
S/O.SADANANDAN, ARJUN NIVAS, ERUVATTY AMSOM
KOZHUR, KANNUR DISTRICT, PIN 670101.**

**R2 BY ADV. SMT.RESMI THOMAS
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-02-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 761 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: TRUE COPY OF THE CHARGE SHEET IN CC 2174/2014 PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THALASSERY.**

**ANNEUXRE-II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 761 of 2015

Dated this the 6th day of February, 2015.

O R D E R

The petitioners herein are the four accused in C.C No. 2174 of 2014 of the Judicial First Class Magistrate Court-I, Thalassery. 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, 427 r/w 34 of IPC on the complaint of one Sanjay, 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. 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.2174 of 2014 of the Judicial First Class Magistrate's Court-I, Thalassery 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