

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. 767 of 2015 ()

AGAINST CP 51/2014 of J.M.F.C.-III, THIRUVANANTHAPURAM
CRIME NO. 799/2014 OF POOJAPPURA POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 TO 3:

1. SUJITH KRISHNA, S/O.THULASEEDHARAN,
AGED 34 YEARS,
'REVATHY', C.G.127, CHERUKARA LANE,
POOJAPPURA, SASTHAMANGALAM VILLAGE,
FROM SREE MOOKAMBIKA HOUSE, NEAR U.P SCHOOL,
MANCHAVILAKAM, KOLLAYIL VILLAGE,
THIRUVANANTHAPURAM.
2. SANKAR, S/O.MOHANAN, AGED 22 YEARS,
T.C.5/2214, SAMBHU VILASAM VEEDU,
SIVANKAL LANE, NEMOM DESOM & VILLAGE,
NOW RESIDING AT THE KARUNAKARAN'S HOUSE,
NEAR CHRISTIAN CHURCH, PALLITHARA,
PRAVACHAMBALAM, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM.
3. SANTHOSH, S/O.GOPI, AGED 25 YEARS,
PANAYIL PUTHEN VEEDU, ASAN NAGAR,
MUTTATHARA CO-OPERATIVE BANK, MUTTATHARA VILLAGE,
FROM BUNGLOW PUTHEN VEEDU,
KAKKAMoola, KALLIYOOR VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1. STATE OF KERALA REPRESENTED BY THE DER
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. VINOD, S/O.SREEKANDAN NAIR, AGED 30 YEARS,
TC 68/1509, VADAKEKUZHY, PAZHINJI VEEDU,
SREE BHADRA NAGAR, PACHALLOOR,
THIRUVALLOM VILLAGE, THIRUVANANTHAPURAM - 695 001.
3. VINAYAN, S/O.VINAYACHANDRAN, AGED 30 YEARS,
PUTHENPURA IKKAL VEEDU, VALIYAKADU,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM - 695 001.

R2-3 BY ADV. SRI.S.K.VINOD
R BY PUBLIC PROSECUTOR

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

APPENDIX

PETITIONERS' EXHIBITS:

ANNEXURE A: TRUE COPY OF FIR AND FIS IN CRIME NO.799/2014 OF POOJAPPURA POLICE STATION DATED 24.6.2014

ANNEXURE-A(a): TRUE COPY OF FIR & FIS IN CRIME NO.825 /2014 OF CANTONMENT POLICE STATION DATED 1.7.2014

ANNEXURE-B: TRUE COPY OF FINAL REPORT IN CRIME NO.825/2014 SUBMITTED BY SUB IINSPECTOR OF POLICE, CANTONMENT POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COUERTR-III, THIRUVANANTHAPURAM DATED 24.11.2014

ANNEXURE C: TRUE COPY OF BAIL ORDER IN B.A NO.6187/2014 PASSED BY THIS HONOURABLE COURT DATED 16.9.2014

ANNEXURE D: TRUE COPY OF AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT BEFORE THE NOTARY PUBLIC DATED 31.12.2014

ANNEXURE E: TRUE COPY OF AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT BEFORE THE NOTARY PUBLIC DATED 31.12.2014

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No.767 of 2015**  
~~~~~  
Dated this the 6th February, 2015

ORDER

The petitioners herein are the three accused in C.P No.51 of 2014 of the Judicial First Class Magistrate's Court – III, Thiruvananthapuram. 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 342, 364, 427, 323, 324 and 308 read with 34 of Indian Penal Code on the complaint of one Vinod, 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. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

3. 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 an examination of the case records, I find that Section 308 was incorporated in the proceedings by the Police on the basis of some purely a hypothetical statement. There is nothing to attract such an offence.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.P.No.51 of 2014 of the Judicial First Class Magistrate's Court-III, 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**

ma

/True copy/

P.S to Judge