

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Cr1.MC.No. 813 of 2015

IN CC 193/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
NEDUMANGAD
CRIME NO. 644/2009 OF ARYANAD POLICE STATION, THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

1. NISAM @ NISAM MON, AGED 25 YEARS,
S/O.NASARUDHEEN, NISI MANZIL, PARANDODE,
CHITTUVEEDU MURI, THOLIKKODE VILLAGE,
THIRUVANANTHAPURAM.
2. SAJAD, AGED 25 YEARS,
S/O.SALIM, SAJAD MANZIL, PARANDODE,
KOTTAKKAKAM MURI, ARYANADU VILLAGE,
THIRUVANANTHAPURAM.
3. MUNEER, AGED 25 YEARS,
S/O.BASHER, SUDHEER MANZIL, KOTTAKKAKAM MURI,
ARYANADU VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE & COMPLAINANT & VICTIM:

1. STATE OF KERALA
REPRESENTED BY THE DIRECTOR OF PUBLIC PROSECUTIONS
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE,
ARYANAD POLICE STATION, THIRUVANANTHAPURAM-695609.
3. SARATH BABY, AGED 28 YEARS,
S/O.BABY, SARATH BHAVAN, KOOTTAPPARA,
MEENANKAL, ARYANADU VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT - 695 101.

R3 BY ADV. SRI.R.ARUN

R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 813 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FIR IN CRIME NO.644 OF 2009 OF ARYANAD
POLICE STATION.

ANNEXURE-A2: COPY OF THE FINAL REPORT IN ANNEXURE-A1.

ANNEXURE-A3: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.813 of 2015

Dated this the 11th day of February, 2015

O R D E R

The petitioners herein are the three accused in C.C No.193/2010 of the Judicial First Class Magistrate Court I, Nedumangad. 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 and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Sarath Baby who is the 3rd 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.193/2010 of the Judicial First Class Magistrate Court I, Nedumangad 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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