

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. 845 of 2015

IN CC 506/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
ATTINGAL
CRIME NO. 135/2009 OF ATTINGAL POLICE STATION, THIRUVANANDAPURAM

PETITIONERS/A1 TO A4:

1. AJITHKUMAR @ KUNJAN, AGED 34 YEARS,
S/O. RAGHAVAN PUTHENVEEDU,
KARIKUMKUNNU AVANCHERRY VILLAGE, ATTINGAL,
THIRUVANANTHAPURAM.
2. UNNIKRISHNAN @UNNI, AGED 30 YEARS,
S/O JANARDHANAN, CHERAVILA PUTHENVEEDU,
KARIKUMKUNNU AVANCHERRY VILLAGE, ATTINGAL,
THIRUVANANTHAPURAM.
3. VIMAL KUMAR @ VIMAL, AGED 33 YEARS,
S/O GOPIPILLAI, P.G. BHAVAN,
KARIKUMKUNNU AVANCHERRY VILLAGE,
ATTINGAL, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. MOHANDAS, AGED 53 YEARS,
S/O. VELU, ANUSREE NIVAS KARIKUMKUNNU
AVANCHERRY VILLAGE, ATTINGAL,
THIRUVANANTHAPURAM-695001.

R2 BY ADV. SRI G AJAYAKUMAR

R2 BY ADV. SRI.AJAYA KUMAR. G

R1 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. 845 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FIR NO.139/09 OF CHINGAVAM
POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT FILED BY THE SUB
INSPECTOR OF POLICE ATTINGAL POLICE STATION IN CC NO.506/10
PENDING BEFORE JFCM COURT-1-ATTINGAL.

ANNEXURE A3: STATEMENT SIGNED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.845 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.506/2010 of the Judicial First Class Magistrate Court, Attingal. 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 451, 323, 324 and 326 r/w 34 of the Indian Penal Code on the complaint of one Mohandas 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.506/2010 of the Judicial First Class Magistrate Court, Attingal 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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