

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. 846 of 2015

IN CC 706/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
ANGAMALY (TEMPORARY) DATED
CRIME NO. 843/2014 OF NEDUMBASSERI POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED NOS 1 TO 5:

1. RATHEESH, AGED 30 YEARS,
S/O.KUMARAN, PUTHIYEDATHIL HOUSE,
VAPPALISSERY KARA,
NEDUMBASSERY VILLAGE.
2. SANEESH BABU, AGED 23 YEARS,
S/O.BABUGI, CHAKKUMALASSERY HOUSE, NAYATHODU KARA,
ANGAMALY VILLAGE.
3. SREEJITH, AGED 28 YEARS,
S/O.SOMAN NAIR, NADUVILEMURI HOUSE, THANNAKKUNNU KARA,
PONKUNNAM VILLAGE, KOTTAYAM DISTRICT.
4. SHAJAN, AGED 27 YEARS,
S/O.SAJU, THOMBRA HOUSE, NAYATHODU KARA,
ANGAMALY VILLAGE.
5. SABIN BABY, AGED 24 YEARS,
S/O BABY, ALUKKAPUTHUSSERY HOUSE, NAYATHODU KARA,
ANGAMALY VILLAGE.

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS/STATE, DE-FACTO COMPLAINTANT AND INJURED:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM-682031. REPRESENTING SUB INSPECTOR OF POLICE
NEDUMBASSERY AIRPORAT POLICE STATION.
2. K.SREEKUMAR, AGED 35 YEARS,
S/O KUNJAN KUMAR BHAVA, THALIYAM BHAGAM,
KALLARA DESOM,
PANGODU VILLAGE, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM DISTRICT-695541.

3. ANURAG, AGED 24 YEARS,
S/O. VISWANATHAN, VATTIYAMTHANDIL HOUSE,
KANNOOKKARA,
ONCHIYAM VILLAGE, VADAKARA TALUK,
KOZHIKODE DISTRICT-673103.
4. SREEJITH, AGED 27 YEARS,
S/O SREEKUMAR, NADUVILEMURIYIL HOUSE,
PONKUNNAM KARA,
PONKUNNAM VILLAGE,
KOTTAYAM DISTRICT-686001.

R2-4 BY ADV. SRI.K.A.ANAS
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

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. 846 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET IN
C.C.NO.706 OF 2015 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, ANGAMALY.

ANNEXURE A2: AFFIDAVIT FILED BY RESPONDENT NO.2.

ANNEXURE A3: AFFIDAVIT FILED BY RESPONDENT NO.3.

ANNEXURE A4: AFFIDAVIT FILED BY RESPONDENT NO.4.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.846 of 2015

Dated this the 11th day of February, 2015

O R D E R

The petitioners herein are the five accused in C.C No.706/2015 of the Judicial First Class Magistrate Court, Angamaly. 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 143, 147, 148, 324 and 326 r/w 149 of the Indian Penal Code on the complaint of one Sreekumar 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 persons who sustained injuries in the alleged incident are the respondents 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.706/2015 of the Judicial First Class Magistrate Court, Angamaly 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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