

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Crl.MC.No. 903 of 2015 ()

SC 849/2013 of I ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 TO 4:

- 1. SATHEESH KUMAR, AGED 32 YEARS
S/O.SATHYANESAN, SATHEESH BHAVAN, SOCIETY ROAD
THRIKKANNAPURAM ROAD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM.**
- 2. DEEPAN, AGED 26 YEARS
S/O.DIVAKARAN, KRIPA BHAVAN, DAS NAGAR
KUNNAPPUZHA, THRIKKANNAPURAM, THIRUMALA WARD
THIRUVANANTHAPURAM**
- 3. SURESH KUMAR, AGED 29 YEARS
S/O.SATHYANESAN, SATHEESH BHAVABN, SOCIETY ROAD
THRIKKANNAPURAM ROAD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM.**
- 4. DILEEP, AGED 28 YEARS
S/O.DIVAKARAN, KRIPA BHAVAN, DAS NAGAR
KUNNAPPUZHA, THRIKKANNAPURAM, THIRUMALA WARD
THIRUVANANTHAPURAM**

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031**
- 2. GLADWIN, AGED 30 YEARS
S/O.AMBI, BADASTHA VEEDU, MARUTHUVILA
PARAMADA, KUNNAMPUZHA WARD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM-695001**
- 3. WILFREDWIN, AGED 31 YEARS
S/O.AMBI, BADASTHA VEEDU, MARUTHUVILA
PARAMADA, KUNNAMPUZHA WARD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM.**

4. JEBASINGH, AGED 27 YEARS

**S/O.CHRISTHUDAS, CHRISTHUVILASAOM VEEDU, MARUTHANVILA
PARAMADA, KUNNAPPUZHA WARD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM-695001**

**R2-R4 BY ADV. SRI.VISHNU BHUVANENDRAN
R1 BY PUBLIC PROSECUTOR SMT. P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 903 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A: COPY OF FIR & FIS IN CRIME NO.320/09 FILED BEFORE ACJM COURT,
THIRUVANANTHAPURAM.**

**ANNEXURE B: COPY OF FINAL REPORT IN SC 849/13 PENDING BEFORE THE
PRINCIPAL SUB COURT AND ADDITIONAL ASSISTANT SESSIONS
COURT, THIRUVANANTHAPURAM.**

**ANNEXURE C: COPY OF AFFIDAVIT SWORN IN BY THE RESPONDENTS 2 TO 4
BEFORE NOTARY PUBLIC**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.903 of 2015

Dated this the 23rd day of February, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 4 in S.C. No.849/2013 of the Additional Assistant Sessions Court-I, 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 341,323,324,308 and 34 IPC on the complaint of one Gladwin, 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. The other persons who sustained injuries in the alleged incident are the respondent Nos. 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. The counter case also stands quashed as per order in Crl.M.C.No.904/2015. On a perusal of

the case records, I find that Section 308 IPC was incorporated by the police on the basis of a purely hypothetical statement. Any way, the parties have come to terms amicably out of court.

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 further 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 S.C. No.849/2013 of the Additional

Assistant Sessions Court-I, 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

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