

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. 904 of 2015 ()

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SC 1922/2013 of PRINCIPAL ASSISTANT SESSIONS COURT,TRIVANDRUM
CRIME NO. 321/2009 OF POOJAPPURA POLICE STATION , THIRUVANANDAPURAM
DISTRICT
=====**

PETITIONERS/ACCUSED 1 TO 3::

- 1. GLADWIN, AGED 30 YEARS
S/O.AMBI, BADASTHA VEEDU, MARUTHUVILA
PARAMADA, KUNNAMPPUZHA WARD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM**
- 2. WILFREDWIN, AGED 31 YEARS
S/O.AMBI, BADASTHA VEEDU, MARUTHUVILA
PARAMADA, KUNNAMPPUZHA WARD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM.**
- 3. JEBASINGH, AGED 27 YEARS
S/O.CHRISTHUDAS, CHRISTUVILASAM VEEDU, MARUTHANVILA
PARAMADA, KUNNAMPPUZHA WARD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM.**

BY ADV. SRI.VISHNU BHUVANENDRAN

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSCUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
- 2. SATHEESH KUMAR, AGED 32 YEARS
S/O.SATHYANESAN, SATHEESH BHAVAN, SOCIETY ROAD
THRIKKANNAPURAM ROAD, THIRUMALA VILLAGE
THIRUVANANTHAPURAM - 695 001.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 BY SRI.G.SUDHEER**

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

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A: COPY OF FIR & FIS IN CRIME NO.321/09 OF POOJAPPURA POLICE
STATION FILED BEFORE ACJM COURT, THIRUVANANTHAPURAM.**

**ANNEXURE B: COPY OF FINAL REPORT IN SC 1922/13 PENDING BEFORE THE
PRINCIPAL SUB COURT/ASSISTANT SESSIONS COURT,
THIRUVANANTHAPURAM.**

**ANNEXURE C: COPY OF AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT/DE-FACTO
COMPLAINANT BEFORE NOTARY PUBLIC**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C. No.904 of 2015

Dated this the 23rd day of February, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in S.C. No.1922/2013 of the Principal Assistant Sessions Court, 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 323,324,326 and 34 IPC on the complaint of one Saheesh Kumar, 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 counter case also stands quashed as per order in Crl.M.C.No.903/2015.

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.1922/2013 of the Principal Assistant Sessions Court, 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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