

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Cr1.MC.No. 919 of 2015

IN CC 439/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
ALATHUR

PETITIONERS:

1. SURESH, AGED 30 YEARS,
S/O.NARAYANAN, PANDIYAMTHODI HOUSE,
PUTTIPARAMBU HOUSE,
THIRUWILLAMALA, PALAKKAD.
2. GIRISH, AGED 26 YEARS,
SUNDARAN, KOONAMPPARAMBIL HOUSE,
PUTTIPARAMBU HOUSE,
THIRUWILLAMALA, PALAKKAD.
3. RAMESH, AGED 26 YEARS,
S/O.MANI, KATTAKKALAM HOUSE,
PUTTIPARAMBU HOUSE,
THIRUWILLAMALA, PALAKKAD.
4. DILEEP KUMAR, AGED 21 YEARS,
S/O.OMANAKUTTAN, PANDIYARATH THODI HOUSE,
PUTTIPARAMBU HOUSE, THIRUWILLAMALA, PALAKKAD.
5. PRADEEP, AGED 23 YEARS,
S/O.CHANDRAN, PANDIYARATH THODI HOUSE,
PUTTIPARAMBU HOUSE, THIRUWILLAMALA, PALAKKAD.
6. ANIL, AGED 23 YEARS,
S/O.UNNI, PANDIYARATH THODI HOUSE,
PUTTIPARAMBU HOUSE,
THIRUWILLAMALA, PALAKKAD.
7. UDAYAN, AGED 24 YEARS,
S/O.UNNIKRISHNAN, PANDIYARATH THODI HOUSE,
PUTTIPARAMBU HOUSE, THIRUWILLAMALA, PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS:

1. RISHAD, AGED 24 YEARS,
S/O.NIJAM, KUNNATH HOSUE, PALAYAM,
VADAKKENCHERY, PALAKKAD-678 545.
2. SANTHOSH, AGED 25 YEARS,
S/O.CHANDRAN, RAKKOLATH HOUSE, PRADHANI,
VADAKKENCHERY, ALATHUR, PALAKKAD-678 541.
3. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

R1 & 2 BY ADV. SRI.P.M.RAFIQ
R3 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 919 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A. COPY OF THE FINAL REPORT IN CRIME NO.117/12 OF
VADAKKENCHERRY POLICE STATION IN CC 439/12 ON THE FILE OF THE
COURT OF JUDICIAL FIRST CLASS MAGISTRATE ALATHUR.

ANNEXURE B. COPY OF AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN
EVIDENCING THE SETTLEMENT.

ANNEXURE C. COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT HEREIN
EVIDENCING THE SETTLEMENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.919 of 2015

Dated this the 13th day of February, 2015

O R D E R

The petitioners herein are the seven accused in C.C No.439/2012 of the Judicial First Class Magistrate Court, Alathur. 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, 341, 323 and 324 r/w 149 of the Indian Penal Code on the complaint of one Rishad who is the 1st 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 person who sustained injuries in the alleged incident is the 2nd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has 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.439/2012 of the Judicial First Class Magistrate Court, Alathur 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.

**P.UBAID
JUDGE**

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