

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936**

**Crl.MC.No. 945 of 2015 ()**  
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**CRIME NO. 82/2014 OF PALLITHOTTAM POLICE STATION , KOLLAM**

**PETITIONER(S)/1& 2 ACCUSED:**  
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- 1. LIJO AGED 19 YEARS  
S/O. NOVASTEPHEN, PANIKKAVEETIL HOUSE, KAIKULANGARA  
KOLLAM WEST VILLAGE, KOLLAM DISTRICT.**
- 2. ROBIN AGED 20 YEARS  
S/O. RUBAN, THEVALLY HOUSE, KAIKULANGARA  
KOLLAM WEST VILLAGE, KOLLAM DISTRICT.**

**BY ADV. SMT.G.VIDYA**

**RESPONDENT(S)/COMPLAINANT:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHIBIN @ PRAVEEN, AGED 24 YEARS  
S/O. NELSON, LE MARIYA (H), KOTTAPURAM  
KAIKULANGARA, KOLLAM WEST VILLAGE  
KOLLAM DISTRICT - 691 036.**

**Additional R3 impleaded**

**Add. 3. PRINCE, 26 YEARS, S/O NELSON  
LE MARIYA (H), KOTTAPURAM, KAIKULAGARA  
KOLLAM WEST VILLAGE, KOLLAM DISTRICT**

**is impleaded as additional 3<sup>rd</sup> respondent as per order dated 27.2.2015 in  
Crl.M.A 1697 of 2015 in Crl.M.C 945 of 2015.**

**R2-R3 BY ADV. SRI.JESWIN P.VARGHESE  
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-03-  
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 945 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**A1 - CERTIFIED COPY OF FIR IN CRIME NO. 82/2014 OF PALLITHOTTAM POLICE STATION IN KOLAM DISTRICT, DT. 23.1.14.**

**A2 - CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 82/2014 OF PALLITHOTTAM POLICE STATION IN KOLLAM DISTRICT, DT. 30.1.2014**

**A3 - AFFIDAVIT OF THE 2ND RESPONDENT DT. 05.2.15.**

**RESPONDENT(S)' EXHIBITS: NIL**  
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/TRUE COPY/

PA TO JUDGE  
sab

**P.UBAID, J.**

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**Crl. M.C No.945 of 2015**  
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Dated this the 11<sup>th</sup> day of March, 2015.

**O R D E R**

The petitioners herein are the two accused in C.C No.183 of 2014 of the Judicial First Class Magistrate Court-II, Kollam. 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, 294(b), 323 r/w 34 of IPC on the complaint of one Shibin who is the second 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 person who sustained injuries in the alleged incident is the additional respondent No.3 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. 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 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 C.C No.183 of 2014 of the Judicial First Class Magistrate Court-II, Kollam 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