

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Crl.MC.No. 957 of 2015 ()

**IN SC 679/2015 of ASSISTANT SESSIONS COURT, PAYYANNUR
CRIME NO. 405/2013 OF PERINGOME POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED 1 TO 5:

- 1. SHIJITH T.V AGED 29 YEARS
S/O KRISHNAN THAIVALAPPIL HOUSE, VELLUR AMSOM DESOM
VELLUR THERU KANNUR DISTRICT**
- 2. PRASAD PV AGED 33 YEARS
S/O. RAGHAVAN PADINHARE VEETIL HOUSE
CHENOTH VELLUR AMSOM DESOM VELLUR THERU KANNUR DISTRICT`**
- 3. NIRMAL KUMAR C AGED 38 YEARS
S/O NARAYANAN, CHEROOTTA HOUSE
KIZHAKUMBAD VELLUR AMSOM DESOM VELLUR THERU KANNUR DISTRICT**
- 4. SATHEESAN P AGED 38 YEARS
S/O KORAN, CHEMMANGAT HOUSE
KIZHAKUMBAD VELLUR AMSOM DESOM VELLUR THERU KANNUR DISTRICT**
- 5. MANOJ M.V. AGED 33 YEARS
S/O.CHANDRAN KUNHI MAYICHA VEETIL HOUSE KIZHAKUMBAD VELLUR
AMSOM DESOM VELLUR THERU
KANNUR DISTRICT**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. P.SAJESH, , AGED 21 YEARS
S/O CHANDRAN, .THURUMBAN HOUSE
KARINKUZH KANKOL AMSOM KANNUR DISTRICT**

**R2 BY ADV. SMT.RESMI THOMAS
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-02-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 957 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: TRUE COPY OF THE FIR IN CRIME NO. 405/2013 OF PERINGOME
POLICE STATION, KANNUR DISTRICT**

ANNEXURE II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.957 of 2015

Dated this the 20th day of February, 2015.

O R D E R

The petitioners herein are the accused in S.C No.679 of 2015 of the Assistant Sessions Court, Payyannur. 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, 326, 308 r/w 149 of IPC on the complaint of one Sajesh 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. 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. On a perusal of the materials I find that Section 308 IPC was in fact incorporated in the proceeding by the police on the basis of a purely hypothetical statements

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.679 of 2015 of the Assistant Sessions Court, Payyannur 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

sab