

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Cr1.MC.No. 969 of 2015

IN C.C 730/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, SULTHANBATHERY
CRIME NO.336/2014 OF MEENAGADY POLICE STATION

PETITIONERS:

1. SREENIVASAN, AGED 30 YEARS,
S/O. RAVEENDRAN, KONNAKKAL KRISHNAGIRI, MEENANGADY
WAYANAD
2. SHAMEER, AGED 23 YEARS,
S/O. RAHEED,
KUTTIKATTIL, AMBALAVAYAL P.O, WAYANAD
3. CHANDRAN, AGED 52 YEARS, S/O RAJAN,
NALAKATHE HOUSE, KARIYAMBADY PURAKKADI,
WAYANAD
4. BABURAJ, AGED 39 YEARS, S/O KRISHNAN,
PERASERIYIL HOUSE, CHOOTHUPARA, POURAKKADI VILLAGE,
WAYANAD
5. THOMAS, AGED 53 YEARS, S/O PAILY,
MADAPALLIYIL HOUSE,
KARYAMPADI PO, MUTTIL SOUTH VILLAGE, WAYANAD

BY ADV. SRI.V.SHYAM

RESPONDENTS:

1. BIJU V.P, AGED 40 YEARS,
S/O PAILY, VALLOPPALLY, CHENDAKUNNU, MEENAGADY P.O,
PURAKKADI VILLAGE, WAYANAD DISTRICT.
2. STATE OF KERALA (REP.BY S.I. OF POLICE,
MEENAGADY POLICE STATION (CRIME NO.336/2014)
REP.BY STATE PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SRI.P.ARUN

R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 969 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: COPY OF CHARGE DATED 9.7.20147 SUBMITTED BY THE 2ND
RESPONDENT

ANNEXURE A2: THE AFFIDAVIT DATED 10.2.2015 SUBMITTED BY THE 1ST
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.969 of 2015

Dated this the 24th day of February, 2015

O R D E R

The petitioners herein are the five accused in C.C No.730/2014 of the Judicial First Class Magistrate Court I, Sulthan Bethery. 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, 341, 323 and 324 r/w 149 of the Indian Penal Code on the complaint of one Biju 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. 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.730/2014 of the Judicial First Class Magistrate Court I, Sulthan Bethery 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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