

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.M.C.No. 1002 of 2015 ()

AGAINST CC 2438/2014 of J.M.F.C.-II, KOLLAM
CRIME NO. 1165/2014 OF PALLITHOTTAM POLICE STATION , KOLLAM

PETITIONER(S)ACCUSED 1 TO 7:

1. PRADEEP AGED 25 YEARS
S/O.FRANCIS, HOUSE NO.167, CENTURY NAGAR
PALLITHOTTEM CHERRY, KOLLAM WEST VILLAGE
KOLLAM DISTRICT.
2. SHANU
S/O.SAKKEER, LOVE LAND, HOUSE NO. 48
KAUMUDI NAGAR, PALLITHOTTE CHERRY, KOLLAM WEST VILLAGE
KOLLAM DISTRICT.
3. PRINCE
S/O.ANDREWS, KARUNYA BHAVAN, HOUSE NO.29
CENTURY NAGAR, PALLITHOTTEM CHERRY
KOLLAM WEST VILLAGE, KOLLAM DISTRICT.
4. SIJO, AGED 19,
S/O.JOSEPH, HOUSE NO.93, GALEELIYO NAGAR
PALLITHOTTEM CHERRY, KOLLAM WEST VILLAGE
KOLLAM DISTRICT.
5. SHIJIN, AGED 20,
S/O.SHAIJEN, HOUSE NO.19, DON BOSCO NAGAR
PALLITHOTTEM CHERRY, KOLLAM WEST VILLAGE
KOLLAM DISTRICT.
6. JIMSON, AGED 23,
S/O.JUSTIN, HOUSE NO.8, DON BOSCO NAGAR
PALLITHOTTEM CHERRY, KOLLAM WEST VILLAGE
KOLLAM DISTRICT.
7. TARRYSON, AGED 23,
S/O.RAVI, SOUHRIDA NAGAR, T.SUNAMI COLONY
VALIYAVILA, AAKKOLIL CHERRY, MAYYANADU VILLAGE
KOLLAM DISTRICT.

BY ADVS.SRI.C.RAJENDRAN
SMT.R.S.SREEVIDYA

RESPONDENT(S)/DE FACTO COMPLAINANT, INJURED & STATE OF KERALA:

1. MERICSON, AGED 23,
S/O.KASMIR, HOUSE NO.31, ANJALI NAGAR
PALLITHOTTEM, KOLLAM DISTRICT.
2. MERVIN, AGED 21,
S/O.KASMIR, HOUSE NO.31, ANJALI NAGAR
PALLITHOTTEM, KOLLAM DISTRICT.
3. NIKHIL, AGED 21,
S/O.THAMBI, SUJA MANDIR, THAMARAKKULAM CHERRY
KOLLAM WEST VILLAGE, KOLLAM DISTRICT.
4. JIBIN, AGED 22,
S/O.XAVIER, HOUSE NO.64, ANJALI NAGAR
PALLITHOTTEM CHERRY, KOLLAM WEST VILLAGE
KOLLAM DISTRICT.
5. SINU, AGED 22,
S/O.SATHEESH, HOUSE NO.63, THEILLERY NAGAR
THILLERY, MUNDAKKAL VILLAGE, KOLLAM DISTRICT.
6. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI 682 031.

R1-R5 BY ADV. SRI.K.R.RANJITH
R6 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1002 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1. CERTIFIED COPY OF THE FIR IN CRIME 1165/14 OF
PALLITHOTTEM POLICE STATION.

ANNEXURE A2: THE CERTIFIED .COPY OF THE FINAL REPORT IN CRIME 1165/14
OF PALLITHOTTEM POLICE STATION.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1002 of 2015**  
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Dated this the 18th February, 2015

ORDER

The petitioners herein are the seven accused in C.C No.2438 of 2014 of the Judicial First Class Magistrate's 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 143, 147, 148, 323, 324, 325 and 427 read with 149 of Indian Penal Code on the complaint of one Mericson who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit for himself and on behalf of the others also to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now. The other persons who sustained injuries in the alleged incident are the respondents 2 to 5 in this proceeding.

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.2438 of 2014 of the the Judicial First Class Magistrate's 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.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge