

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. 1045 of 2015 ()

AGAINST IN CC 1207/2012 of J.M.F.C.-II, ALUVA
CRIME NO. 1471/2012 OF KALAMASSERY POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. UNNI MOHAN AGED 24 YEARS
S/O.MOHANLAL, AANJILIMOOTIL HOUSE, PARATHODU KARAYIL
KOTTAYAM.
2. AMRITH AGED 24 YEARS
S/O.GOVIND, TEJAS HOUSE, GOKALE CROSS ROAD
NEAR KANNUR RAILWAY STATION, KANNUR.
3. SREEJITH AGED 24 YEARS
S/O.SUNIL KUMAR, SREENILAYAM VEETIL
KANJIKUZHIL VILLAGE, ALLEPPEY.

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.ALPHIN ANTONY

RESPONDENT(S)/RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. VYSAKH, AGED 22 YEARS
S/O.KUTTAN, PARAPURATHU VEETIL, PULLOOR VILLAGE
MULAKADU KARAYIL, THRISSUR.
3. RAHUL KRISHNAN
S/O.RAMAKRISHNAN, THAZHATHU VEETIL, PULLUR VILLAGE
KASARAGOD.

R2-3 BY ADV. SRI.KAROL MATHEWS SEBASTIAN ALENCHERRY
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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. 1045 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE CHARGE SHEET DATED 31/07/2012.

ANNEXURE A2: AFFIDAVIT DATED 18/02/2015 AFFIRMED BY THE 2ND
RESPONDENT.

ANNEXURE A3: AFFIDAVIT DATED 18/02/2015 AFFIRMED BY THE 3RD
RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1045 of 2015**  
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Dated this the 20th February, 2015

ORDER

The petitioners herein are the three accused in C.C No.1207 of 2012 of the Judicial First Class Magistrate's Court-II, Aluva. 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 323, and 324 read with 34 of Indian Penal Code on the complaint of one Vysakh, 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 3rd 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.

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.1207 of 2012 of the Judicial First Class Magistrate's Court-II, Aluva 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