

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 1068 of 2015 ()

**IN SC 287/2014 of ADDL. D.C. & SESSIONS COURT - III, MAVELIKKARA
CRIME NO. 148/2013 OF VALLIKKUNNAM POLICE STATION , ALAPPUZHA**

PETITIONER(S)/PETITIONERS/ACCUSED NO 1 TO 3:

- 1. BINU AGED 25 YEARS
S/O.VIDHYADHARAN, VINOD BHAVANAM, KADUVINAL MURI
VALLIKKUNNAM, ALAPPUZHA**
- 2. PRADEEP AGED 35 YEARS
S/O.PRABHAKARAN, AMBILI BHAVANAM, THALIRADI
VALLIKKUNNAM, ALAPPUZHA**
- 3. NIDHIN @ NEPOLIAN AGED 20 YEARS
REVATHY VEEDU, THALIRADI, VALLIKKUNNAM
ALAPPUZHA**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031**
 - 2. MUKESH, AGED 26 YEARS
S/O.SATHYAN, AVANI BHAVANAM, THALIRADI MURI
VALLIKKUNNAM, ALAPPUZHA-695001**
 - 3. SAJEEVAN
S/O.KRISHNAN KUTTY, KUTTIPADEETTATHIL
KADUVNINAL VALLIKKUNNAM, ALAPPUZHA-695001**
- R2-3 BY ADV. SMT.T.M.BINITHA
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

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

Crl.MC.No. 1068 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1:-COPY OF THE FINAL REPORT

ANNEXURE 2:-AFFIDAVIT FILED BY THE 2ND & 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1068 of 2015

Dated this the 3rd day of March, 2015.

O R D E R

The petitioners herein are the three accused in S.C No. 287 of 2014 of the Additional Sessions Court – III, Mavelikkara. 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, 506(ii), 324, 308 r/w 34 of IPC on the complaint of one Mukesh 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 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. On a perusal of the materials I find nothing for prosecution under Section 308 IPC. I find that section was incorporated by the police on the basis of a purely hypothetical statement. Anyway, the dispute now stands settled.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No. 287 of 2014 of the

Additional Sessions Court – III, Mavelikkara 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