

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.UBAID**

**MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936**

**Crl.MC.No.1092 of 2015**  
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**CC NO.517/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,ALUVA.  
CRIME NO.1472/2012 OF KALAMASSERY POLICE STATION,ERNAKULAM**

**PETITIONERS/ACCUSED:**  
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1. **AKHIL VAS,AGED 24,S/O.SREENIVASAN,  
PUTHENTHARA VEEDU,PERUVALLOOR KARA,  
PAVARATTY,MULLASSERY VILLAGE,PIN-680 509.**
2. **KRISHNA PANKAJ,AGED 24,S/O.PANKAJAKSHAN,  
KODIYAN VEEDU,NAYARAMBALAM P.O.  
NAYARAMBALAM,PIN-682 509.**
3. **MAHITH,AGED 24,S/O.MANOCHARAN,  
SREELAKSHMI VEEDU,MEENCHANTHA,  
BYPASS,KOZHIKODE-27.**

**BY ADV.SRI.C.P.SAJI**

**RESPONDENTS/COMPLAINANT/STATE:**  
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1. **STATE OF KERALA,  
REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM,KOCHI-682031.**
2. **UNNI MOHAN,AGED 25,S/O.MOHANLAL,  
ANJILIMOOTTIL HOUSE,PARATHODU KARA,  
EDAKUNNU VILLAGE,KOTTAYAM DISTRICT,PIN-686 512.**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P  
R2 BY ADV.SMT.P.DEEPAMOHAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**Crl.MC.No.1092 of 2015**  
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**APPENDIX**

**PETITIONER'S ANNEXURES:**  
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**ANNEXURE A1:TRUE COPY OF THE CHARGE SHEET IN CRIME NO.1472 OF 2012  
OF THE KALAMASSERY POLICE STATION.**

**ANNEXURE A2: AFFIDAVIT OF THE 2ND RESPONDENT.**

**RESPONDENT'S ANNEXURES:** **NIL**  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

**P.UBAID, J.**  
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**Crl.M.C No.1092 of 2015**  
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**Dated this the 23<sup>rd</sup> February, 2015**

**ORDER**

The petitioners herein are the three accused in C.C No.517 of 2013 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 Unni Mohan, who is the 2<sup>nd</sup> 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.517 of 2013 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**

ma

/True copy/

P.S to Judge