

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

CrI.MC.No. 1119 of 2015 ()

**IN CC 978/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,PATHANAMTHITTA
CRIME NO. 307/2012 OF ARANMULA POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/ACCUSED:

- 1. RAHUL AGED 25 YEARS
S/O.RAJU, RAJEEV BHAVANAM, KOZHENCHERY EAST
KOZHENCHERY VILLAGE, PATHANAMTHITTA (DIST).**
- 2. CHANTHU AGED 25 YEARS
S/O.RAJU, KADACKETH HOUSE, KEEZHUKARA
KOZHENCHERY VILLAGE, KOZHENCHERY TALUK
PATHANAMTHITTA (DIST).**

BY ADV. SRI.M.MANOJ KUMAR

RESPONDENT(S)/DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. GOPAKUMAR, AGED 45 YEARS
S/O.VASUDEVAN PILLAI, VISHNU BHAVANAM
KOIPPURAM VILLAGE, PULLAD MURI, KOZHENCHERY TALUK
PATHANAMTHITTA.**
- 3. ABHIJIT GOPAKUMAR, AGED 22 YEARS
S/O.GOPAKUMAR, VISHNU BHAVANAM, KOIPPURAM VILLAGE
PULLAD MURI, KOZHENCHERY TALUK, PATHANAMTHITTA.**

**R2 & 3 BY ADV. SMT.L.SMITHARAJ
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P**

**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. 1119 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF THE FIR IN CRIME NO.307/2012 DATED 24.3.2012
REGISTERED BY ARANMULA POLICE STATION.**

ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT DATED 29.6.2012.

ANNEXURE-A3: AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

ANNEXURE-A4: AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.1119 of 2015

Dated this the 23rd day of February, 2015.

O R D E R

The petitioners herein are the accused Nos. 1 and 2 in C.C No.978 of 2012 of the Judicial First Class Magistrate Court-I, Pathanamthitta. 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, 324, 427, 506(ii) and 34 of IPC on the complaint of one Gopakumar 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.978 of 2012 of the Judicial First Class Magistrate's Court-I, Pathanamthitta 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