

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 1156 of 2015 ()

**SC 379/2013 of SESSIONS COURT, PATHANAMTHITTA
CRIME NO.156/2011 OF PERUMPETTY POLICE STATION , PATHANAMTITTA DISTRICT**

PETITIONERS/ACCUSED 1 TO 7:

- 1. KRISHNAKUMAR, S/O.NANU, AGED 35 YEARS
VELLANKAL VEEDU, EZHUMATTOOR P.O, MALLAPPALLY.**
- 2. M.JOHNSON, S/O.MATHAI, AGED 48 YEARS
KOLLERATHU HOUSE, MALEKEEZHU, EZHUMATTOR VILLAGE.**
- 3. THANKAPPANUNNI, S/O.UNNI DAIVATHAN, MALEKKEZHU HOUSE
MALEKKEZHU, EZHUMATTUR VILLAGE.**
- 4. JAYESH, S/O.SASIDHARAN, AGED 26 YEARS
KALARIKKAL PARANATTU HOUSE, THADIYOOR
AYIROOR VILLAGE.**
- 5. BIJU THOMAS @ ABY, AGED 33 YEARS
S/O. THOMAS DANIEL, PUTHUPARAMBIL HOUSE
IRUMBUKUZHY, EZHUMATTUR.**
- 6. SATHEESHKUMAR, S/O.SASIDHARAN
ASARIPARAMBIL HOUSE, EZHUMATTUR VILLAGE.**
- 7. SREERAJ, S/O.NALAN, AGED 26 YEARS
PATHIRUVELIL HOUSE, EZHUMATTUR VILLAGE
EZHUMATTUR**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENTS/STATE,COMPLAINANT AND DEFACTO COMPLAINAT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, PIN-682 031.**
- 2. SUB INSPECTOR OF POLICE
PERUMATTOR, POLICE STATION 689 107.**
- 3. O.N. MOHANAN PILLAI, AGED 57 YEARS
S/O.NARAYANAN PILLAI, MANGALOICKAL HOUSE
MAKKADU, EZHUMATTOOR P.O, MALLAPPALLY. 689 584.**

**R3 BY ADV. SRI.P.HARIDAS
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNX.1- CERTIFIED COPY OF THE FIR NO.156/2011 OF PERUMPATTY POLICE
STATION ALONG WITH FI STATEMENT DATED 20-6-2011**

**ANNX.2 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.156/2011 OF
PERUMPETTY POLICE STATION ALONG WITH DATED 27-8-2011**

ANNX.3 - AFFIDAVIT OF 3RD RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1156 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 7 in S.C. No.379/2013 of the Court of Session, 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 143,147,148,149,324,452,427 and 506(ii) IPC on the complaint of one Mohanan Pillai, who is the 3rd 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 alleged incident happened in connection with some dispute between two families, on political grounds. Though there is a charge under the provisions of Explosives Substances Act, I find that the case does not involve any public interest or public issue. There is nothing serious to be tried under the Explosives Substances Act. Any way, the parties have come to terms amicably. The counter case also stands settled and quashed by this Court.

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 further proceedings/prosecution will not serve any purpose. Here, I find a real and genuine case of settlement between the parties. 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 S.C. No.379/2013 of the Court of Session, Pathanamthitta, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

P. UBAID, JUDGE

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