

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

CrI.MC.No. 1157 of 2015 ()

LP 233/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA

PETITIONERS/ACCUSED:

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1. ARUN BABU, S/O.DAMODARAN PILLAI
CHELACKAL HOUSE, AMBADIBHAGATHU
KUNNAMTHANAM VILLAGE.
 2. RENJITH, S/O.RAVEENDRAN NAIR
CHELACKAL HOUSE, AMBADIBHAGATHU
KUNNAMTHANAM VILLAGE.
 3. PRAVEEN, S/O.PRASADAN PILLAI
CHITHIRABHAVAN, AMBADIBHAGATHU
KUNNAMTHANAM VILLAGE.

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

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. HARIKUMAR, S/O.THANKAPPAN PILLAI
KOZHIKUNNATHU HOUSE, KUNNAMTHANAM MURI
KUNNAMTHANAM 689 581.

**R2 BY ADV. SRI.BIJOY KURUVILLA
R1 BY Sr.PUBLIC PROSECUTOR SAREENA GEORGE P.**

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

Crl.MC.No. 1157 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNX.A - TRUE COPY OF THE CHARGE SHEET IN L.P.NO.233/2010 ON THE FILE
OF JFCM COURT, THIRUVALLA.**

ANNX.B - TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1157 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioners herein are the accused Nos.2 to 4 in Crime No.156/2011 of the Perumpetty Police Station, and the case is now pending as L.P.No.233/2010 before Judicial First Class Magistrate Court, Thiruvalla. The case against the 1st accused in the crime stands already compounded. The petitioners now 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 323,341 and 34 IPC on the complaint of one Harikumar, who is the 2nd 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 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of

court, and continuance of further 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 L.P.No.233/2010 of Judicial First Class Magistrate Court, Thiruvalla, 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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