

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. 1177 of 2015 ()

**IN CC 1415/2014 of J.M.F.C.-II, ATTINGAL
CRIME NO. 1053/2013 OF MANGALAPURAM POLICE STATION**

PETITIONER(S)/A1 TO A7:

- 1. SHERSHAH AGED 24 YEARS
S/O.SHIBILI, H.NO.47, LAKSHOM VEEDU
ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 2. HARI @ SUNDARAN AGED 19 YEARS
S/O.RAVEENDRAN, MADATHUMoola VEEDU, ANDOORKONAM DESOM
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM.**
- 3. HARISH KUMAR AGED 20 YEARS
S/O.RAVEENDRAN NAIR, MADATHUMoola VEEDU
ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 4. SANTHOSH @ LALU, S/O.GIREESHAN AGED 24 YEARS
S.I.BHAVAN, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 5. LIJIN, S/O.SHAMSUDHEEN AGED 28 YEARS
MELE CHERU NELLIVEEDU, ANDOORKONAM DESOM
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM.**
- 6. VIJAYAKUMAR AGED 39 YEARS
S/O.VASUDEVAN, VISHAKOM VEEDU, ANDOORKONAM DESOM
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM.**
- 7. THAHA, S/O.NASEER AGED 30 YEARS
THAHIRA MANZIL, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**

BY ADV. SRI.A.K.RAJESH

Crl.MC.No. 1177 of 2015 ()

RESPONDENT(S)/STATE & CW1:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF
POLICE MANGALAPURAM POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA ERNAKULAM.**
 - 2. MIDUN, S/O.JAYAKUMAR, AGED 19 YEARS
RESIDING NEAR ANDOORKONAM MARKET
HOUSE OF SHIHABUDHEEN FROM MIDUN BHAVAN
NEAR PANIMOOLA TEMPLE, PANIMOOLA DESOM
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM- 695 125.**
- R2 BY ADV. SRI.SHAJIN S.HAMEED
R1 BY PUBLIC PROSECUTOR SMT. 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. 1177 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.A - CERTIFIED COPY OF THE FIR IN CRIME NO.1053/2013 OF MANGALAPURAM
POLICE STATION.**

**ANNX.B - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1053/2013 OF
MANGALAPURAM POLICE STATION.**

ANN.C - AFFIDAVIT EXECUTED BY THE 2N RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1177 of 2015

Dated this the 25th day of February, 2015.

O R D E R

The petitioners herein are the seven accused in C.C No.1415 of 2014 of the Judicial First Class Magistrate Court-II, Attingal. 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, 294(b), 323, 324, 341, 506 (i) r/w 149 of IPC on the complaint of one Midun 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. 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.1415 of 2014 of the Judicial First Class Magistrate Court-II, Attingal 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