

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1184 of 2015 ()

**IN SC 421/2010 of ADDL. SESSIONS COURT – (ADHOC II) , MANJERI
CRIME NO. 106/2010 OF TANUR POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED 1 TO 7:

- 1. KISHORE AGED 30 YEARS
S/O. KRISHNANKUTTY, KUNNEKKAD HOUSE, PARIYAPURAM
TIRUR, MALAPPURAM DISTRICT.**
- 2. PRASAD AGED 33 YEARS
S/O. BASKERAN, KUNNEKKAD HOUSE, PARIYAPURAM
TIRUR, MALAPPURAM DISTRICT.**
- 3. BABU AGED 39 YEARS
S/O. AYYAPPAN, ULLATTIL HOUSE, PARIYAPURAM
TIRUR, MALAPPURAM DISTRICT.**
- 4. SURESH
S/O. PARANGODAN, MANJAMKUNDIL HOUSE, PANANGATTUR
TIRUR, MALAPPURAM DISTRICT.**
- 5. JITHESH
S/O. JAYARAJAN, KULIL HOUSE, PARIYAPURAM
TIRUR, MALAPPURAM DISTRICT.**
- 6. SUNDARAN
S/O. VEERABADRAN, OTHAVANCHERI HOUSE, PANANGATTUR
TIRUR, MALAPPURAM DISTRICT.**
- 7. ASOKAN
S/O. VELAYUDHAN, PAKARAPARAMBIL HOUSE, PARIYAPURAM
TIRUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

Crl.MC.No. 1184 of 2015 ()

RESPONDENT(S)/COMPLAINANT & STATE :

**1. THE STATION HOUSE OFFICER, TANUR POLICE STATION
MALAPPURAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. RAVEENDRAN , AGED 40 YEARS
S/O. BALAKRISHNAN NAIR, SREEPURAM
KANNAMTHAZHETHU HOUSE, PARIYAPURAM, TIRUR
MALAPPURAM DISTRICT.**

**R2 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1184 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : COPY OF THE FIR IN CRIME NO.106/2010 OF TANUR POLICE STATION
IN MALAPPURAM DISTRICT REGISTERED BY THE 1ST RESPONDENT.**

**ANNEXURE A2 : COPY OF THE FINAL REPORT IN CRIME NO.106/2010 OF TANUR
POLICE STATION IN MALAPPURAM DISTRICT.**

**ANNEXURE A3 : COPY OF THE AFFIDAVIT DTD.11.2.2015 EXECUTED BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1184 of 2015

Dated this the 26th day of March, 2015.

O R D E R

The petitioners herein are the accused Nos.2 to 8 in Crime No.106 of 2010 of the Tanur Police Station. The case against the petitioners 1 and 2 is now pending as S.C 68 of 2015 before the learned second Additional Sessions Judge, Manjeri, and the case against the petitioners 3 to 7 is pending as S.C No.421 of 2010 before the said court. The petitioners 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, 341, 323, 324 and 308 r/w 149 of IPC on the complaint of one Raveendran 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.

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 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. On a perusal of the final report I find that Section 308 IPC was incorporated in the proceeding by the police on the basis of some hypothetical statement. Anyway, the parties have come to terms amicably, and the whole dispute stands settled forever.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C 68 of 2015 and S.C No.421 of 2010 before the learned second Additional Sessions

Judge, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID,
JUDGE

sab