

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Cr1.MC.No. 1239 of 2015

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IN CP 51/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,  
KANNUR

CRIME NO. 357/2013 OF VALAPPATANAM POLICE STATION, KANNUR

PETITIONERS/ACCUSED:

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1. PRAVEEN KUMAR K.V.  
EZNOTH VALIYA VEEDU, P.O.CHIRAKKAL, KANNUR - 670 011.
2. VISHAL AZHIKODAN,  
CHORAN HOUSE, KADALAYITHERU, P.O.CHIRAKKAL,  
KANNUR - 670 011.
3. RATHEESH M,  
LAKSHMI NIVAS, P.O.CHIRAKKAL, KANNUR - 670 011.
4. ABISHEK.K,  
KOYYODAN HOUSE, P.O.CHIRAKKAL, KANNUR - 670 011.
5. PRASOJ.C,  
CHOVAN HOUSE, KADALAYI THERU, P.O.CHIRAKKAL  
KANNUR - 670 011.

\*ADDL. 6TH PETITIONER

AKHIL LOHITHAKSHAN V.V,  
S/O.LOHITHAKSHAN,  
RESIDING AT RAILWAY QUARTERS, CHIRAKKAL,  
P.O.CHIRAKKAL, KANNUR DISTRICT.

\* IMPEADED AS PER ORDER DATED 20.3.2015 IN CRL.M.A NO.2196/2015

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENTS/DE-FACTO COMPLAINANT, INJURED & STATE:

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1. SACHIN P.RAJ, AGED 26 YEARS,  
S/O.PREMARAJAN, RESIDING AT MADHAVI HOUSE,  
CHIRAKKAL P.O., KANNUR DISTRICT.
2. ROSHAN K, AGED 33 YEARS,  
S/O.SADANANDAN, RESIDING AT SREE LAKSHMI HOUSE,  
CHIRAKKAL P.O., KANNUR DISTRICT - 670 011.

3. STATION HOUSE OFFICER,  
VALAPATTANAM POLICE STATION, KANNUR DISTRICT  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1-R2 BY ADV. D.N.NISHANI  
R3 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1239 of 2015  
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APPENDIX

PETITIONERS' ANNEXURES:  
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ANNEXURE I: THE COPY OF THE CHARGE SHEET ISSUED TO THE ACCUSED IN  
CRIME NO. 357/2013 OF VALAPATTANAM POLICE STATION, KANNUR  
DISTRICT.

ANNEXURE II: AFFIDAVIT SWEARED BY 1ST RESPONDENT DATED  
22/01/2014.

ANNEXURE III: AFFIDAVIT SWEARED BY 2ND RESPONDENT DATED  
22/01/2015.

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.1239 of 2015**  
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Dated this the 27<sup>th</sup> day of March, 2015

**O R D E R**

The petitioners herein are the six accused in C.P No.51/2014 of the Judicial First Class Magistrate Court II, Kannur. 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, 341, 323, 324, 308 and 506(2) r/w 149 of the Indian Penal Code on the complaint of one Sachin P.Raj who is the 1<sup>st</sup> 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. It is submitted that the case now stands committed to the Court of Session, Kannur.

2. The other person who sustained injuries in the alleged incident is the 2<sup>nd</sup> respondent 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.

3. 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 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. I find that Section 308 IPC was incorporated by the police on the basis of some hypothetical statement. 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.P No.51/2014 of the Judicial First Class Magistrate Court II, Kannur 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**

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