

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 1252 of 2015 ()

AGAINST SC 210/2008 of SUB COURT, NEDUMANGAD

PETITIONER/ACCUSED:

LIJU MON AGED 26 YEARS
S/O LALU @ MANIKKUTTAQN, DUGAVILASAM-9, IDINJAR
PERINGAMALA, NEDUMANGADU, THIRUVANANTHAPURAM.

BY ADV. SRI.D.AJITHKUMAR

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE
PALODE POLICE STATION, THIRUVANANTHAPURAM.
3. PRATHAPAN, AGED 47 YEARS
S/O PEETHAMPARA PANICKER, ROADRIKATHU VEEDU, MANKAYAMM
IDINJAL, PERINGAMMALA, THIRUVANANTHAPURAM.

R3 BY ADV. SRI.T.PRADEEP

R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1252 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF THE F.I.R. IN CRIME NO.21/2007 BY PALODE
POLICE STATION.

ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT IN S.C.NOL210 OF 2008
ON THE FILE OF THE SUB COURT/ASSISTANT SESSIONS COURT,
NEDUMANGADU, THIRUVANANTHAPURAM.

ANNEXURE C: AFFIDAVIT OF THE DE-FACTO COMPLAINANT WITH COMPOUNDING
PETITION.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1252 of 2015**  
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Dated this the 27th February, 2015

ORDER

The petitioner herein is the accused in S.C No.210 of 2008 of the Assistant Sessions Court, Nedumangadu. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 324 and 308 of Indian Penal Code and also under Section 27 of the Arms Act, on the complaint of one Prathapan, 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.

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

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. On a perusal of the materials, I find nothing for a prosecution under Section 308 of Indian Penal Code. I find that the said section was incorporated in the F.I.R by the police on the basis of a purely hypothetical statement. Definite materials are not there for a prosecution under the Arms Act also. Anyway, the matter now stands amicably settled out of court.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.210 of 2008 of the Assistant Sessions Court, Nedumangad will stand quashed

under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge