

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 1286 of 2015 ()

**IN CC 427/2009 of J.M.F.C-I, ADOOR
CRIME NO. 1164/2008 OF ADOOR POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/ACCUSED 1 & 2:

- 1. ANANDARAJAN AGED 36 YEARS
S/O.AYYAPPAN, AMBILYIL, PALLICKAL
KATTANAM, ALAPPUZHA.**
- 2. THAMPI @ VINEESH KUMAR AGED 29 YEARS
S/O.VIJAYAN PILLAI, VINOD BHAVANAM, THAMARAKULAM
ALAPPUZHA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SHAJI, AGED 45 YEARS
S/O.HABEEB SALI, THARAYIL PALLATHU
KURATTISSERY VILLAGE, CHENGANNUR.**

**R2 BY ADV. SRI.BINNYA.THOMAS
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P**

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

Crl.MC.No. 1286 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: COPY OF FIR AND AND FINAL REPORT.

ANNEXURE 2: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1286 of 2015

Dated this the 3rd day of March, 2015.

O R D E R

The petitioners herein are the two accused in C.C No.427 of 2009 of the Judicial First Class Magistrate Court-I, Adoor. 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 294(b), 323 and 34 of IPC on the complaint of one Shaji 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.427 of 2009 of the Judicial First Class Magistrate Court-I, Adoor will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

P.UBAID,
JUDGE