

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

CrI.MC.No. 1289 of 2015 ()

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IN CC 378/2013 of J.M.F.C.-I, TRIVANDRUM
CRIME NO. 67/2013 OF KARAMANA POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/A1 TO A3:

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- 1. ASHOK M.L. AGED 24 YEARS
S/O.G.MADHU, TC 75/399, SOUAPARNIKA
PETTAH KADAKAMPALLY, THIRUVANANTHAPURAM.**
 - 2. DAYAL, S/O.SIVADASAN AGED 25 YEARS
VALATHUNKAL, ERAVIPURAM, KOLLAM.**
 - 3. MANZOOR AGED 25 YEARS
IRUMBUZHI HOUSE, ATHIYOOR JUNCTION, CHEURKAV
ERANAD**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.SANDEEP T.GEORGE**

RESPONDENT(S)/STATE, DEFACTO COMPLAINANT:

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- 1. THE STATE OF KERALA
REP.BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA ERNAKULAM - 682 031.**
 - 2. JAMES P.S., S/O.JOHN PC, AGED 21 YEARS
PARAYIL HOUSE, NEAR PANATHANAM TEMPLE
KODIKULAM MANJOOR KOTTAYAM. 686 001.**
 - 3. RIJO PHILIP JOSE, AGED 21 YEARS
S/O.JOSE M.P., MAILAMTHARA HOUSE
NEAR PODIPPARA HOLY FAMILY CHURCH, MALAKUNNAM
KURUCHI, KOTTAYAM 686 001**
 - 4. SHARAT, S/O.SIVANANDAN, AGED 23 YEARS
SHARAT BHAVAN, MOOGODE VALAKONATH
VILAPPL THIRUVANANTHAPURAM. 695001.**

**R2-R4 BY ADV. SRI.ASHOK SURESH
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:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNX.A - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.67/13 OF KARAMANA POLICE STATION, THIRUVANANTHAPURAM.**
- ANNX.B - ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DATED 31-01-15**
- ANNX.C - ORIGINAL AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT DATED 31-01-15**
- ANNX.D - ORIGINAL AFFIDAVIT EXECUTED BY THE 4TH RESPONDENT DATED 31-01-15**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1289 of 2015

Dated this the 3rd day of March, 2015.

O R D E R

The petitioners herein are the three accused in C.C No.378 of 2013 of the Judicial First Class Magistrate Court-I, Thiruvananthapuram. 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 323, 325 and 34 of IPC on the complaint of one James 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. The other persons who sustained injuries in the alleged incident are the respondent Nos. 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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.378 of 2013 of the Judicial First Class Magistrate Court-I, Thiruvananthapuram 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

sab