

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 1291 of 2015 ()

**IN SC 240/2014 of SUB COURT, PAYYANNUR
CRIME NO. 385/2010 OF SREEKANDAPURAM POLICE STATION , KANNUR**

PETITIONER(S)/PETITIONERS/ACCUSED 1 TO 9:

- 1. ATHUL FRANCIS AGED 24 YEARS
S/O SAJAN, ANCHUTHAIKAL HOUSE, SREEKANDAPURAM P.O.
SREEKANDAPURAM AMSOM, KANNUR DISTRICT.**
- 2. ASWIN@ ASWIN TOM JOEL AGED 24 YEARS
S/O THOMAS, MAVELI HOUSE, CHERIKODE P.O.
SREEKANDAPURAM AMSOM, KANNUR DISTRICT.**
- 3. ALBIN @ ALBIN DEVASSIA AGED 24 YEARS
S/O DEVASSIA, VADAKKEDATH HOUSE, CHUZHALI P.O.
CHUZHALI AMSOM, KANNUR DISTRICT.**
- 4. BLESSON @ BLESSON JOSEPH AGED 24 YEARS
S/O JOSEPH, MELEDATH HOUSE, NEDUNGOME P.O.
SREEKANDAPURAM AMSOM, KANNUR DISTRICT.**
- 5. JOBIN @ JOBIN JOSE K., AGED 23 YEARS
S/O JOSE, KANIYANPARAMBIL HOUSE, MANDALAM P.O.
NADUVIL AMSOM, KANNUR DISTRICT.**
- 6. JIJO M.K. AGED 23 YEARS
S/O GOVINDAN, SREENILAYAM, PATTANNUR P.O.
PATTANNUR AMSOM, KANNUR DISTRICT.**
- 7. JIJESH M. AGED 25 YEARS
S/O. KUNHIRAMAN, JIMNALAYAM, PATTANNUR P.O.
PATTANNUR AMSOM, KANNUR DISTRICT.**
- 8. ARUN @ ARUN K. JOHNSON AGED 23 YEARS
S/O JOHNSON, KURISINKAL HOSUE, KOTTOOR
SREEKANDAPURAM P.O., SREEKANDAPURAM AMSOM
KANNUR DISTRICT.**
- 9. ARUL CHARLES AGED 24 YEARS
S/O CHARLES, CHEMPANTHOTTY P.O., NIDIYENGA AMSOM
KANNUR DISTRICT.**

BY ADV. SRI.V.A.SATHEESH

RESPONDENT(S)/RESPONDENTS/STATE, DEFACTO COMPLAINANT & AGGRIEVED PERSONS:

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM THROUGH S.H.O.
SREEKANDAPURAM POLICE STATION, KANNUR DISTRICT.
 2. JASEER @ JASEER KEETHADATH, AGED 25 YEARS
S/O MUHAMMED KUNHI, AYISHAS MANZIL, CHEDICHERY
PERUVALATHUPARAMBA P.O., IRIKKUR AMSOM
KANNUR DISTRICT.
 3. SANDEEP K.V., AGED 25 YEARS
S/O SUKUMARAN, MAVILA CHATHOTH HOUSE, KAVUMABAI
SREEKANDAPURAM P.O., NIDIYENGA AMSOM, KANNUR DISTRICT.
 4. SMEJO, AGED 24 YEARS
S/O RAMAKRISHNAN, ORATHIL VEETIL, MANNERI
KALLIAD AMSOM, KANNUR DISTRICT.
 5. LITHUN P.P., AGED 24 YEARS
S/O LAKSHMANAN, PUTHIYA PURAYIL HOUSE, MANGALASSERI
PATTUVAM AMSOM, KANNUR DISTRICT.
- R2-5 BY ADV. V.T.MADHAVANUNNI
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1291 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.385/2010 OF
SREEKANDAPURAM POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE POLICE
BEFORE THE J.F.C.M. COURT, TALIPARAMBA IN CRIME NO.385/2010 OF
SREEKANDAPURAM POLICE STATION.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No. 1291 of 2015

Dated this the 19th day of March, 2015.

O R D E R

The petitioners herein are the accused in S.C No. 240 of 2014 of the Assistant Sessions Court, Payyannur. 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 r/w 149 of IPC on the complaint of one Jaseer 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 respondents Nos. 3 to 5 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.

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 FI statement and the final report I find nothing for a prosecution under Section 308 IPC. Such a Section was incorporated by the police on the basis of a purely hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No. 240 of 2014 of the Assistant Sessions Court, Payyannur will stand quashed under

Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

P.UBAID,
JUDGE

sab