

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Crl.MC.No. 1314 of 2015 ()

IN CC 1248/2012 of J.M.F.C.,AMBALAPUZHA

PETITIONER(S)/ACCUSED 1 TO 15:

1. **LATHIKA AGED 48 YEARS**
W/O.ASHOKAN, NILAVITTACHIRA VEEDU, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
2. **MANJUSHA AGED 25 YEARS**
W/O.BINU, NILAVITTACHIRA VEEDU, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
3. **MADHURAMANI AGED 56 YEARS**
W/O.BABU, NILAVITTACHIRA VEEDU, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
4. **BINUMON AGED 23 YEARS**
S/O.BABU, NILAVITTACHIRA VEEDU, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
5. **MOHANKUMAR @ KUNJIKUTTAN AGED 48 YEARS**
S/O.KRISHNAN, WARD NO.3, KATTUNGALCHIRA VEEDU
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
6. **ASHOKAN AGED 54 YEARS**
S/O.SANKUNNI, NILAVITTACHIRA VEEDU, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
7. **GIRISHKUMAR @ GIRI AGED 40 YEARS**
S/O.SUKUMARAN NAIR, WARD NO.6, VELLATHERIVELI
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
8. **SURENDRAN @ SURA AGED 46 YEARS**
S/O.BALAKRISHNAN, WARD NO.13, THEKKEPARAMBIL VEEDU
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
9. **MOHANAN AGED 60 YEARS**
S/O.RAMAN, WARD NO.6, KUNNEVELIYIL
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.

10. SALIMKUMAR AGED 35 YEARS
S/O.THANKAPPAN, NILAVEETIL, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
11. MADHU AGED 42 YEARS
S/O.BHASKARAN, NILAVEETIL, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
12. PURUSHOTHAMAN @ PODIYAN AGED 53 YEARS
S/O.MADHAVAN, WARD NO.3, CHIRAYIL VEEDU
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
13. KRISHNACHANDRAN @ RAJESH AGED 30 YEARS
WARD NO.2, CHAKKANATHU VALAPPU VEEDU
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
14. VINODKUMAR @ AJANU AGED 34 YEARS
NILAVITTU VELIYIL, WARD NO.6, PUNNAPRA NORTH PANCHAYATH
ALAPPUZHA DISTRICT.
15. SANTHOSH AGED 36 YEARS
S/O.SUKUMARAN, VELITHERIVELI, WARD NO.6
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

1. SANDHYA, AGED 40 YEARS
W/O.ANILKUMAR, NILAVEETIL, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
 2. ANILKUMAR, AGED 45 YEARS
S/O.RAMACHANDRAN, NILAVEETIL, WARD NO.2
PUNNAPRA NORTH PANCHAYATH, ALAPPUZHA DISTRICT.
 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM(REPRESENTING SUB INSPECTOR OF POLICE PUNNAPRA
POLICE STATION
ALAPPUZHA DIST.)
- R1-2 BY ADV. SMT.BHAVANA VELAYUDHAN
R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1314 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.1248/2012 ON
THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT, AMBALAPPUZHA.**

ANNEXURE-A2: AFFIDAVIT SWORN BY THE 1ST RESPONDENT

ANNEXURE-A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1314 of 2015

Dated this the 4th day of March, 2015.

O R D E R

The petitioners herein are the 15 accused in C.C No.1248 of 2012 of the Judicial First Class Magistrate Court, Ambalappuzha. 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, 149, 447, 452, 341, 323, 324, 294(b) and 427 of IPC on the complaint of one Sandhya who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. The other person who sustained injuries in the alleged incident is the respondent No.2 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. 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.1248 of 2012 of the Judicial First Class Magistrate Court, Ambalappuzha 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