

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

Cr1.MC.No. 1340 of 2015

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IN CC 2358/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,  
HOSDURG, HOSDRUG  
CRIME NO. 344/2012 OF RAJAPURAM POLICE STATION , KASARGOD

PETITIONERS:

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1. NOEL TOMIN JOSEPH, AGED 24 YEARS,  
S/O.JOSEPH, PADINJARE KUTTI HOUSE, PANATHUR,  
PANATHADI VILLAGE, KASARAGOD
2. SHIVA PRASAD.A.V., AGED 24 YEARS,  
S/O.KRISHNAN, AMBANGAD, PANAYAL VILLAGE,  
HOSDURG TALUK, KASARAGOD DISTRICT
3. AKHIL THOMAS, AGED 23 YEARS,  
POOZHICALAYIL HOUSE, RAJAPURAM, KALLAR VILLAGE,  
KASARAGOD.
4. AMEER.P., AGED 23 YEARS,  
S/O.ABDUL RAHIMAN, PALLIKKAL HOUSE, PANATHUR,  
KASARAGOD.
5. MATHEWS M.C., AGED 20 YEARS,  
S/O.CHACKO, POOKUNNAM, MALAMBARATH HOUSE,  
MALAKKALLU, KALLAR VILLAGE, KASARAGOD DISTRICT.
6. RAJESH V., AGED 22 YEARS,  
S/O.RAMACHANDRAN, THAYAL HOUSE, PUTHIYAKOTTA,  
HOSDURG, KASARAGOD DISTRICT
7. MOHAZIM ABDULLA.C., AGED 21 YEARS,  
S/O.ABDULLA, KARUVANCHERY, NILESHWARAM VILLAGE,  
KASARAGOD
8. JINEESH P.J., AGED 25 YEARS,  
S/O.JANARDHANAN, POOKUNAM HOUSE, RAJAPURAM  
KALLAR VILLAGE, KASARAGOD.

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENTS:

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1. C.K.LUCKOSE, AGED 56 YEARS,  
S/O.KURIAN CHAMMNATTE, CHAMMNATTE HOUSE,  
MALAKKALLU P.O., KALLAR VILAGE, VELLARIKKUNDU TALUK,  
KASARAGOD DISTRICT - 671 533.
2. MITHUN BABY, AGED 22 YEARS,  
S/O.BABY, MALIYEKKAL HOUSE, UDAYAPURAM,  
KODOM VILLAGE, VELLARIKKUNDU TALUK,  
KASARAGOD DISTRICT 671 533.
3. ANJITH, AGED 25 YEARS,  
S/O.THOMAS, KARIMBANAKKAL HOUSE, BALLAL VILLAGE,  
VELLARIKKUNDU P.O., VELLARIKKUNDU TALUK  
KASARAGOD - 671 533.
4. PRAVEEN KUMAR, AGED 22 YEARS,  
S/O.PRABHAKARAN, KANIKULAM HOUSE, PALLIKKERA,  
NELESWER VILLAGE, HOSDURG TALUK, KASARAGOD - 671 531.
5. BIJO THOMAS,, AGED 24 YEARS,  
S/O.THOMAS, AMBATTU HOUSE, VADAKARA MUKKU,  
KANHANGAD P.O., BALLA VILLAGE, KASARGOD - 671 315.
6. NITHIN B.K., AGED 23 YEARS,  
S/O.BABU, KADHALIMATTAM HOUSE, PALAMKALLU,  
KALLAR VILLAGE, RAJAPURAM P.O., VELLARIKKUNDU TALUK,  
KASARAGOD - 671 533.
7. STATE OF KERALA  
REPRESENTED BY THE S.I. OF POLICE, RAJAPURAM  
(CRIME 344/12 OF RAJAPURAM POLICE STATION)  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1,2,3 BY ADV. SRI.C.M.JUNAIR

R7 BY SR. 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:

Cr1.MC.No. 1340 of 2015  
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APPENDIX

PETITIONERS' ANNEXURES:  
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ANNEXURE I: COPY OF THE CHARGE SHEET PENDING AS C.C. 2358/14 ON  
THE FILE OF JFCM-1 COURT, HOSDURG

ANNEXURE II:AFFIDAVIT SWORN BY CW1 IN ANNEXURE I

ANNEXURE II (A) :AFFIDAVIT SWORN BY CW6 IN ANNEXURE I

ANNEXURE II (B) :AFFIDAVIT SWORN BY CW7 IN ANNEXURE I

ANNEXURE II (C) :AFFIDAVIT SWORN BY CW8 IN ANNEXURE I

ANNEXURE II (D) :AFFIDAVIT SWORN BY CW9 IN ANNEXURE I

ANNEXURE II (E) :AFFIDAVIT SWORN BY CW10 IN ANNEXURE I

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.1340 of 2015**  
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Dated this the 4<sup>th</sup> day of March, 2015

**O R D E R**

The petitioners herein are the eight accused in C.C No.2358/2012 of the Judicial First Class Magistrate Court I, Hosdurg. 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 and 323 r/w 149 of the Indian Penal Code on the complaint of one Luckose who is the 1<sup>st</sup> 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. The other persons who sustained injuries in the alleged incident are the respondent Nos.2 to 6 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.

3. 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.2358/2012 of the Judicial First Class Magistrate Court I, Hosdurg 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**

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