

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. 1342 of 2015

IN L.P NO.14/1997 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHAVAKKAD

CRIME NO. 278/1993 OF CHAVAKKAD POLICE STATION, TRISSUR

PETITIONER/ACCUSED:

SUNIL KUMAR,
S/O.KIZHAKOOT VELAYUDHAN,
MANATHALA VILLAGE, CHAVAKKAD,
THRISSUR DISTRICT.

BY ADV. SRI.LINDONS C.DAVIS

RESPONDENT/DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. VENU, AACHI VEETIL,
CHAVAKKAD, MANATHALA VILLAGE,
THRISSUR DISTRICT - 680 011.

R2 BY ADV. SMT.E.U.DHANYA

R1 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. 1342 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF COPY OF THE FIR OF CRIME
NO.278/1993 OF CHAVAKKAD POLICE STATION

ANNEXURE B: CERTIFIED COPY OF THE CHARGE SHEET OF CRIME
NO.278/1993 OF CHAVAKKAD POLICE SATION

ANNEXURE C: CERTIFIED COPY OF THE ORDER DATED 15/12/1995 IN C.C
153/1994 OF JFCM COURT, CHAVAKKAD

ANNEXURE D: COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1342 of 2015

Dated this the 4th day of March, 2015

O R D E R

The petitioner herein is the original 4th accused in C.C No.153/1994 of the Judicial First Class Magistrate Court, Chavakkad. The offences involved in this case are under Sections 143, 147, 148, 324 and 341 r/w 34 of the Indian Penal code. The accused in this case, except the petitioner and the original 1st accused, faced trial before the trial court and obtained a judgment of acquittal on 15.12.1995 when all the material witnesses turned hostile to the prosecution in view of an amicable settlement made by the parties out of court. The case against the petitioner herein was split up and refiled as C.C No.406/1995. Later the original 1st accused died. The case against the petitioner herein is now pending in the register of long pending cases as L.P No.14/1997. The petitioner now seeks orders quashing the prosecution as against him on the ground of acquittal of the others, and also on the ground of settlement between him and the defacto complainant. The defacto complainant Venu is the 2nd respondent in this proceeding. 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. 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 petitioner herein in C.C No.406/1995 (now pending as L.P No.14/1997) of the Judicial First Class Magistrate's Court, Chavakkad will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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