

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Cr1.MC.No. 1405 of 2015

IN C.C NO.1007/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KAYAMKULAM

CRIME NO.1344/2012 OF KAYAMKULAM POLICE STATION , ALAPPUZHA

PETITIONERS/ACCUSED 1 & 2:

1. VIJAYAKUMAR,
PUNNAYKKA PADEETTATHIL, KANNAMPALLY BHAGOM,
KEERIKKADU VILLAGE, KAYAMKULAM.
2. SALEESH.R,
PUNNAYKKA PADEETTATHIL, KANNAMPALLY BHAGOM,
KEERIKKADU VILLAGE, KAYAMKULAM.

BY ADVS.SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SMT.PARVATHY NAIR

RESPONDENTS/STATE AND LRS OF DECEASED DEFACTO
COMPLAINANT:

1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
KAYAMKULAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. RAMESAN,
CHALIL KIZHAKKATHIL, KANNAMPALLY BHAGOM,
KEERIKADU VILLAGE, KAYAMKULAM - 690 502.
3. REMADEVI
CHALIL KIZHAKKATHIL, KANNAMPALLY BHAGOM,
KEERIKADU VILLAGE, KAYAMKULAM - 690 502.

R2 & 3 BY ADV. SRI.JACOB P.ALEX
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1405 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-1: COPY OF FIR IN 1344/2012 OF KAYAMKULAM POLICE STATION.

ANNEXURE-2: COPY OF FINAL REPORT IN C.C.1007/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM.

ANNEXURE-3: COPY OF AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT

ANNEXURE-4: COPY OF AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1405 of 2015

Dated this the 9th day of March, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1007/2013 of the Judicial First Class Magistrate Court, Kayamkulam. Crime in this case was registered under Sections 323, 324, 341 and 294(b) of the Indian Penal Code on the complaint of one Rajesh. Pending the proceeding the said Rajesh died. The petitioners seek orders quashing the prosecution on the ground of settlement of the dispute between them and the parents of deceased Rajesh. They are respondents 2 and 3 in this proceeding. They have 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 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.1007/2013 of the Judicial First Class Magistrate Court, Kayamkulam 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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