

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Crl.MC.No. 1408 of 2015 ()

AGAINST CC 967/2013 of J.M.F.C.,PERUMBAVOOR
CRIME NO. 1622/2011 OF PERUMBAVOOR POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. VISHNU ARAVIND AGED 23 YEARS
S/O.ARAVINDHAN, CHENGALI POTTAIKKAL HOUSE
SOPHIA COLLEGE ROAD, PERUMBAVOOR KARA
PERUMBAVOOR VILLAGE, ERNAKULAM.
2. SAM JACOB AGED 29 YEARS
S/O.KEECHERI VETTEL, PATTAL BHAGAM, PERUMBAVOOR KARA
PERUMBAVOOR VILLAGE, ERNAKULAM.
3. SANNY KURUVILA AGED 26 YEARS
S/O.KURUVILA, NIRAPPIL HOUSE, NEAR TO KSEB OFFICE
PERUMBAVOOR KARA, PERUMBAVOOR VILLAGE, ERNAKULAM.

BY ADVS.SRI.S.RENJITH
SRI.K.R.PRATHISH

RESPONDENT(S)/RESPONDENT:

1. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
2. AJEESH K HASAN, AGED 32 YEARS
S/O.KHADER, KIZHAKKAN VEETTEL HOUSE
PONJASSERI KARA VENGOLA VILLAGE, KUNNATHUNAD THALUK
ERNAKULAM.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY SRI.JACOB E SIMON

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1408 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: CERTIFIED COPY OF THE FIR ALONG WITH FIS OF THE DEFACTO
COMPLAINANT IN CRIME NO.1622/2011 OF PERUMBAVOOR POLICE STATION.
ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1622/2011
OF PERUMBAVOOR POLICE STATION.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1408 of 2015**  
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Dated this the 6th March 2015

ORDER

The petitioners herein are the three accused in C.C No.967 of 2013 of the Judicial First Class Magistrate's Court, Perumbavoor. 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 341, 323 and 324 read with 34 of Indian Penal Code on the complaint of one Ajeesh, who is the 2nd 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. 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.967 of 2013 of the Judicial First Class Magistrate's Court, Perumbavoor 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.

**SD/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge