

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Cr1.MC.No. 1483 of 2015

IN C.C NO.2495/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, ALATHUR

CRIME NO. 1195/2012 OF ALATHUR POLICE STATION, PALAKKAD

PETITIONERS:

1. ANIL @ TIKKUU, AGED 24 YEARS,
S/O.RAMACHANDRAN, VITTIYAMPADAM HOUSE,
PUTHIYANGAM P.O,
PALAKKAD.
2. SURESH @ KANNAPPAN, AGED 36 YEARS,
S/O.MAYANDI, VITTIYAMPADAM HOUSE,
PUTHIYANGAM P.O,
PALAKKAD
3. DEEPAK @ DEEPU, AGED 22 YEARS,
S/O.RADHAKRISHNAN, THEKKOKKATTU,
PUTHIYANGAM P.O,
PALAKKAD

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS:

1. AJI XAVIER, AGED 30 YEARS,
S/O.XAVIER, KUZHITHODE VEEDU, TEEKKODE P.O,
MEENACHIL, KOTTAYAM - 686 589
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031

R1 BY ADV. SRI.P.M.RAFIQ

R2 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1483 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT IN CRIME NO.1195/2012 OF
ALATHUR POLICE STATION IN PALAKKAD DISTRICT IN CC.NO.2495/2012 ON
THE FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR

ANNEXURE B:AFFIDAVIT SWORN IN THE 1ST RESPONDENT HEREIN
EVIDENCING THE AFORESAID SETTLEMENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1483 of 2015

Dated this the 10th day of March, 2015

O R D E R

The petitioners herein are the three accused in C.C No.2495/2012 of the Judicial First Class Magistrate Court, Alathur. 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 323, 324 and 427 r/w 149 of the Indian Penal Code on the complaint of one Aji Xavier who is the 1st 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.2495/2012 of the Judicial First Class Magistrate Court, Alathur 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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