

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 1532 of 2015 ()

**IN CP 128/2014 of J.M.F.C.-II, TRIVANDRUM
CRIME NO. 579/2009 OF VALIYATHURA POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/PETITIONERS/A1 TO A5:

- 1. AJI @ FANTOM @ KOCHUPODI AGED 41 YEARS
S/O.SATHYAN, TNRA 239, BALA NAGAR
VETTUKAD WARD, KADAKAMPALLY VILLAGE
THIRUVANANTHAPURAM.**
- 2. RAJESH @ UNDAS RAJESH
S/O.MOHANAN, PUTHUVAL VEEDU, NEAR KURISHU CHURCH
KANNANTHURA, KANNANTHURA WARD, KADAKAMPALLY VILLAGE
THIRUVANANTHAPURAM - 695 306.**
- 3. RAJEEV @ SHYAM
S/O.STEPHEN, TC 32/107, NEAR GURU MANDIRAM
PUTHUVAL VEEDU, BALA NAGAR, VETTUCAUD WARD
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM - 695 306.**
- 4. VARGHESE AGED 33 YEARS
S/O.THOBIAH, TC 80/143, BALA NAGAR
VETTUCAUD WARD, KADAKAMPALLY VILLAGE
THIRUVANANTHAPURAM - 695 306.**
- 5. RAJESH AGED 32 YEARS
S/O.MANIYAN, TC 32/80, BALA NAGAR COLONY
VETTUCAUD WARD, KADAKAMPALLY VILLAGE
THIRUVANANTHAPURAM- 695 306.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/RESPONDENTS/STATE, CW1 & CW2:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
VALIYATHURA POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**2. HOGIN, AGED 19 YEARS
S/O.STALIN, TC. 78/3853, BALA NAGAR COLONY
VETTUCAUD WARD, KADAKAMPALLY VILLAGE
THIRUVANANTHAPURAM -695 306.**

**3. LEENA
T.C. 78/3853, BALA NAGAR COLONY, VATTUCAUD WARD
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM - 695 306.**

**R2-R3 BY ADV. SRI.A.K.RAJESH
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1532 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 579/2009 OF
VALIYATHURA POLICE STATION.**

ANNEXURE B: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

ANNEXURE C: AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT/CW2.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1532 of 2015

Dated this the 11th day of March, 2015.

O R D E R

The petitioners herein are the five accused in C.P No.128 of 2014 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram. Committal proceeding was registered for the reason that one of the injured in the crime was a juvenile on the date of the alleged incident. Now he has attained majority. The petitioners seeks 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, 148, 323, 341, 427 r/w 149 of IPC on the complaint of one Hogin who is the second 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. The other person who sustained injuries in the alleged incident is the respondent No.3 in this proceeding. She has also filed

affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. 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 proceedings 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.P No.128 of 2014 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram 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

sab