

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. 1533 of 2015 ()

AGAINST CC 168/2014 of J.M.F.C.-I, NEYYATTINKARA DATED
CRIME NO. 637/2012 OF NEYYATTINKARA POLICE STATION ,
THIRUVANANDAPURAM

PETITIONER(S)/PETITIONERS/ACCUSED NO. 1 TO 4:

1. ANOOP AGED 29 YEARS
S/O.VEERAKUMAR, RAJENDRA BHAVAN, CONVENT ROAD
KADAVATTARAM DESOM, NEYYATTINKARA.
2. SURJITH R KRISHNAN AGED 25 YEARS
S/O.RADHAKRISHNAN, PALAVILA VEEDU, KADAVATTARAM DESOM
NEYYATTINKARA.
3. KRISHNA DEV AGED 27 YEARS
S/O.KRISHNAKUMAR, KRISHNA VEEDU, RC STREET
KADAVATTARAM DESOM NEYYATTINKARA.
4. KIRAN AGED 25 YEARS
S/O.KALYANAKRISHNAN, POLICE QUARTERS NO. II
KADAVATTARAM DESOM, NEYYATTINKARA.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS/COMPLAINANT & STATE:

1. VIKRAMAN PILLAI
S/O.KUMARA PILLAI, LAKSHMI SADANAM
BACK SIDE OF KSRTC BUS STAND, NILAMEL WARD
KADAVATTARAM DESOM, NEYYATTINKARA - 695 121.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.AJITH KRISHNAN
R2 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. 1533 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 637/2012 OF
NEYYATTINKARA POLICE STATION.

ANNEXURE B: NOTARISED AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1533 of 2015**  
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Dated this the 11th March 2015

ORDER

The petitioners herein are the four accused in C.C No.168 of 2014 of the Judicial First Class Magistrate's Court-I, Neyyattinkara. 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 294 (b), 341, 323 and 427 read with 34 of Indian Penal Code on the complaint of one Vikaraman Pilla, 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.168 of 2014 .of the Judicial First Class Magistrate's Court-I, Neyyattinkara 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