

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Crl.MC.No. 1590 of 2015 ()

AGAINST CC 518/2011 of J.M.F.C., SASTHAMCOTTA
CRIME NO. 1267/2010 OF SASTHAMCOTTA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED 1 TO 4:

1. BINOY BENNY, AGED 25 YEARS
S/O. BENNY VARGHESE, BINU BHAVANAM, ARINALLOOR MURI
THEVALAKKARA VILLAGE, KUNNATHOOR TALUK, KOLLAM.
2. ASHOK KUMAR,
S/O. GOPALAKRISHNA PILLAI, ASHOK BHAVAN
MUTHUPILAKKAD -WEST MURI, SASTHAMCOTTA VILLAGE
KUNNATHOOR TALUK, KOLLAM.
3. KIRAN
S/O. CHANDRAN PILLAI, RESMI BHAVANAM
AMPALATHUBAGAM MURI, PORUVAZHI VILLAGE
KUNNATHOOR TALUK, KOLLAM.
4. GANESH
SREE BHAVANAM HOUSE, MUZHANODRI MURI
KALLELIBAGAM VILLAGE, KARUNAGAPALLY TALUK, KOLLAM.

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. VINIL RAJ
S/O. VIKRAMAN, KATTUVILA VADAKKATHIL, VILANTHARA MURY
WEST KALLADA VILLAGE, KUNNATHOOR TALUK, KOLLAM.

R2 BY ADV. SRI.K.V.ANIL KUMAR
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1590 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE-A: TRUE COPY OF FINAL REPORT IN CRIME NO.1267 OF 2010
OF SASTHAMCOTTA POLICE STATION IN KOLLAM DISTRICT

ANNEXURE B: NOTARIZED AFFIDAVIT FILED OF THE 2ND RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1590 of 2015**  
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Dated this the 12th March 2015

ORDER

The petitioners herein are the four accused in C.C No.518 of 2011 of the Judicial First Class Magistrate's Court, Sasthamcotta. 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 143, 147, 148, 323 and 324 read with 34 of Indian Penal Code on the complaint of one Vinil Raj, 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.518 of 2011 of the Judicial First Class Magistrate's Court, Sasthamcotta 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