

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.MC.No. 1606 of 2015 ()

**IN CC 1968/2014 of J.M.F.C.-II, CHERTHALA
CRIME NO. 983/2014 OF MUHAMMA POLICE STATION , ALAPPUZHA**

PETITIONER(S):

**1.JAMES CHACKO AGED 62 YEARS
S/O CHACKO, YOGIA VEEDU, WARD NO.XI
MUHAMMA P.O, MUHAMMA PANCHAYATH
ALAPPUZHA DISTRICT PIN 688 525**

**2. PAVAN JAMES (SHOWN AS PAVANKUMAR IN ANNEXURE A1 FINAL REPORT)
AGED 34 YEARS, S/O JAMES CHACKO, YOGIA VEEDU, WARD NO.XI
MUHAMMA P.O, MUHAMMA PANCHAYATH
ALAPPUZHA DISTRICT, PIN 688 525**

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)**

RESPONDENT(S):

**1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM PIN 682 031**

**2. MANMADHAN, AGED 54 YEARS
S/O KUMARAN, PADISSERY HOUSE
MUHAMMA P.O, WARD NO.XI, MUHAMMA PANCHAYATH
ALAPPUZHA DISTRICT PIN 688 525**

**3. KUNJUMON, AGED 47 YEARS
S/O BHARATHAN, AATHIRA NIVAS
MUHAMMA P.O, WARD NO.XI, MUHAMMA PANCHAYATH
ALAPPUZHA DISTRICT PIN 688 525**

**R1,2 BY ADV. SRI.M.REVIKRISHNAN
R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1606 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

ANNEXURE A1: THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.983 OF 2014 OF MUHAMMA POLICE STATION

ANNEXURE A2: THE AFFIDAVIT DATED 11.03.2015 SWORN BY THE 2ND RESPONDENT HEREIN

ANNEXURE A3: THE AFFIDAVIT DATED 11.03.2015 SWORN BY THE 3RD RESPONDENT HEREIN

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No. 1606 of 2015

Dated this the 13th day of March, 2015.

O R D E R

The petitioners herein are the accused in C.C No.1968 of 2014 of the Judicial First Class Magistrate Court-II, Cherthala. 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), 323, 341, 506(i) and 34 of IPC on the complaint of one Manmadhan 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. He has also 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 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.C No.1968 of 2014 of the Judicial First Class Magistrate Court-II, Cherthala 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