

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. 1621 of 2015 ()

**IN SC 67/2014 of D.C.& SESSIONS COURT,PATHANAMTHITTA
CRIME NO. 643/2010 OF KOIPURAM POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/ACCUSED:

- 1. VISHNU MOHAN, AGED 25 YEARS
S/O.MOHANAN, PRIYA BHAVAN, KUZHUVELIL
KODAL VILLAGE, PATHANAMTHITTA DISTRICT.**
- 2. AJITH, AGED 23 YEARS
S/O.GANGADHARAN, ANU NIVAS, NEDIYAVILA
PADINJARE MURIYIL, KUNNATHOOR VILLAGE
PATHANAMTHITTA DISTRICT.**
- 3. SHAMEER KHAN, AGED 24 YEARS
THONDANGATTU PUTHEN VEETIL, KANNAMKODU MURIYIL
ADOOR VILLAGE, PATHANAMTHITTA DISTRICT.**
- 4. DEEPESH, AGED 23 YEARS
S/O.VIJAYABALAN, THAIPLAVIL HOUSE, THAZHE VETTIPURAM
VETTIPURAM VILLAGE, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.BIBIN K.DIVAKARAN

RESPONDENT(S)/STATE AND CW1:

- 1. STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE
PATHANAMTHITTA POLICE STATION
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.**
- 2. SURAJ, AGED 22 YEARS
S/O.USHA SURENDRAN, KONGALATH KIZHAKUM KARA HOUSE
KOTTAKKAKOM DESOM, EDAYARANMULA, ARANMULA
KOZHANCHERY, PATHANAMTHITTA DISTRICT-689 502.**

**R2 BY ADV. SRI.C.C.ANOOP
R1 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. 1621 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A : FINAL REPORT IN SC.NO.67/2014 ON THE FILE OF THE DISTRICT AND
SESSIONS COURT, PATHANAMTHITTA.**

ANNEXURE B : AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No. 1621 of 2015

Dated this the 13th day of March, 2015.

O R D E R

The petitioners herein are the accused in S.C No. 67 of 2014 of the Sessions Court Pathanamthitta. 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 341, 323, 506(i) IPC on the complaint of one Suraj who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The de facto complainant was a juvenile on the date of the alleged incident. In fact, I find that this is not a case involving child rights. Anyway, the parties have come to terms. The de facto complainant has attained majority, and he is now aged 22 years. He has now voluntarily settled the dispute. 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. 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 S.C No. 67 of 2014 of the Sessions Court, Pathanamthitta 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