

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

CrI.MC.No. 1677 of 2015 ()

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CC 1263/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT- II, ALUVA
CRIME NO. 568/2013 OF KALAMASSERY POLICE STATION , ERNAKULAM.**

PETITIONER(S):

- 1. TINO,
AGED 27 YEARS,
S/O.GEORGE,
KUTTIKATTIL HOUSE,
THANNIKKAL BHAGAM,
ELAMAKKARA KARA,
EDAPPALLY SOUTH VILLAGE.**
- 2. STIMO,
AGED 29 YEARS,
S/O.STEPHEN,
VALLONPARAMBIL HOUSE,
THANNIKKAL,
ELAMAKKARA,
EDAPPALLY SOUTH VILLAGE.**
- 3. SIJO,
AGED 26 YEARS,
S/O.STEPHEN,
VALLONPARAMBIL HOUSE,
THANNIKKAL,
ELAMAKKARA,
EDAPPALLY SOUTH VILLAGE.**
- 4. SAJEEV,
AGED 29 YEARS,
S/O.JOY,
MANIKKATH VEETIL,
THANNIKKAL BHAGAM,
ELAMAKKARA KARA,
EDAPPALLY SOUTH VILLAGE.**

BY ADV. SRI.JAISON JOSEPH

RESPONDENT(S)/STATE, DE-FACTO COMPLAINANT & CW2 AND 3

1. **STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION.**

2. **JOSEPH
AGED 41 YEARS,
S/O.DEVASSY,
KARUVELY HOUSE,
THANNIKKAL,
ELAMAKKARA.**

3. **AKHIL SEBASTIAN,
AGED 22 YEARS,
S/O.ANTONY,
KOMARETH HOUSE,
EDAYAKKUNNAM,
CHERANELLOOR VILLAGE.**

4. **JIBIN VARGHESE,
AGED 27 YEARS,
S/O.VARGHESE,
KOMARETH HOUSE,
THANNIKKAL,
ELA,AKKARA.**

**R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P.
R2- R4 BY ADV. SRI.K.A.ANAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

Crl.MC.No. 1677 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES

**ANNEXURE A1 – CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET IN C.C.NO
1268 OF 2013 ON THE FILE OF JFCM II ALUVA.**

ANNEXURE A1 – AFFIDAVIT FILED BY RESPONDENT NO.2.

ANNEXURE A3 – AFFIDAVIT FILED BY RESPONDENT NO.3.

ANNEXURE A4 – AFFIDAVIT FILED BY RESPONDENT NO.4.

RESPONDENTS ANNEXURES : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.UBAID, J.
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**Crl.M.C No.1677 of 2015**  
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Dated this the 17th March 2015

ORDER

The petitioners herein are the four accused in C.C No.1268 of 2013 of the Judicial First Class Magistrate's Court-II, Aluva. 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, 341, 323, 324 and 427 read with 149 of Indian Penal Code on the complaint of one Joseph, 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. The other persons who sustained injuries in the alleged incident are respondents 3 and 4 in this proceeding. They have also filed separate affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint now.

3. 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.1268 of 2013 of the Judicial First Class Magistrate's Court-II, Aluva 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**

ma

/True copy/

P.S to Judge