

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

Cr1.MC.No. 1679 of 2015

IN C.C NO.938/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
THIRUVALLA

CRIME NO. 318/2012 OF PULIKEEZHU POLICE STATION, PATHANAMTITTA

PETITIONERS/ACCUSED 1 TO 14:

1. SAJAN M.K.,
NADUVILETHOPPIL COLONY, THIKKAPPUZHA,
PARUMALA MURI,
KADAPRA VILLAGE.
2. RUPESH KUMAR A.K.,
VAZHAPPARAMBIL KIZHAKKETHIL, VELLAKKINAR,
THALAVADY VILLAGE.
3. BALU T.BABU,
THUNDITHARAYIL, NAKKADA, PARUMALA MURI
KADAPRA VILLAGE.
4. SUNIL S.NAIR,
PUTHENMADATHIL, KURATTISSERRY MURI,
MANNAR VILLAGE.
5. THARUN VARGHESE,
PLAMMOOTIL, PARUMALA MURI, KADAPRA VILLAGE.
6. ANANTHU A.,
ANANDABHAVAN, THATTAVAZHY MURI, PATHIYOOR VILLAGE
KAYAMKULAM.
7. GOKULNATH,
VADAKKEKOCHUVEETIL, NAKKADA, PARUMALA MURI,
KADAPRA VILLAGE
8. RISHIKUMAR A.,
THAZHATHARAYIL, PALACHUVADU, PARUMALA MURI
KADAPRA VILLAGE.
9. SHARON BABU,
PUTHUKATTIL HOUSE, EREZHA THEKKUMURI, PERINGALA.

10. VISHNUNATHAN,
NALPATHIYANCHIL, MEPPADAM, VALLAKKALI MURI,
VIYAPURAM VILLAGE.
11. TUBIN A.V.,
ANKAMALIL, MEPPADAM, VALLAKKALI MURI,
VIYAPURAM VILLAGE.
12. ANEESH SHAJI,
SYAM BHAVAN, KURATTISSERY MURI, MANNAR.
13. AJIN M.,
SREELAKAM, EREZHA THEKKU, CHETTIKULANGARA.
14. ASWIN S.KUMAR,
NEDIYATHU HOUSE, KURATTISSERRY, MANNAR.

BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR

RESPONDENTS/STATE, CW 1 TO 3:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
2. DEVAN K.V., AGED 20 YEARS
S/O.VASUDEVAN POTTY, KARIPPURATHU ILLATHU HOUSE,
THULAMPARAMBU VADAKKU MURI, HARIPPAD VILLAGE
KARTHIKAPPALLY TALUK-690 516.
3. SAGAR S., AGED 22 YEARS,
S/O.SATHEESAN, SALIGA, R.K.JUNCTION,
VETTUMENI MURI, HARIPAD VILLAGE
KARTHIKAPPALLY TALUK-690 516.
4. SREERAJ, AGED 20 YEARS,
S/O.CHELLAPPAN, SREEBHAVAN, R.K.JUNCTION,
VETTUMENI MURI, HARIPAD VILLAGE
KARTHIKAPPALLY TALUK-690 516.

R2,3,4 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)
R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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

Cr1.MC.No. 1679 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A : CERTIFIED COPY OF THE CHARGE SHEET IN
C.C.NO.938/2012.

ANNEXURE B: COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE C : COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE D : COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1679 of 2015

Dated this the 17th day of March, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 14 in C.C No.938/2012 of the Judicial First Class Magistrate Court, Thiruvalla. 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, 144, 147, 148, 149, 341, 323, 324 and 427 of the Indian Penal Code on the complaint of one Devan, 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 the respondents 3 and 4 in this proceeding. They have also filed 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.938/2012 of the Judicial First Class Magistrate Court, Thiruvalla 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**

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