

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. 1721 of 2015 ()

IN SC 778/2013 of PRL.SUB COURT,IRINJALAKUDA

CRIME NO. 49/2007 OF MATHILAKOM POLICE STATION , TRISSUR

PETITIONER(S)/IST ACCUSED:

**SREEJASH @ MANU AGED 33 YEARS
S/O. UNNIKRIISHNAN, VALLOOR HOUSE, CHANDRAPPINNI DESOM
EDATHURUTHI VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT(S)/COMPLAINANT:

- 1. THUSHAR
S/O. THULASIDAS, ILLIKAL HOUSE
NEAR VILLAGE OFFICE EDATHURUTHI, KODUNGALLUR TALUK
THRISSUR.**
- 2. THE SUB INSPECTOR OF POLICE,
MATHILAKAM, THRISSUR DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

**R1 BY ADV. SMT.B.L.RENJU
R2 BY 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:**

Crl.MC.No. 1721 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: A TRUE COPY OF THE F.I.R IN CRIME NO.49 OF 2007 DATED 21.01.2007

ANNEXURE 2: A TRUE COPY OF THE CHARGE SHEET IN CRIME NO.49 OF 2007 DATED 31.03.2007

ANNEXURE 3: A TRUE COPY OF THE ORDER IN CRL.M.C NO.4111/2013 DATED 26.09.2013

ANNEXURE 4: ORIGINAL COPY OF THE COMPOUNDING AFFIDAVIT EXECUTED BY THE DE FACTO COMPLAINANT / 1ST RESPONDENT DATED 07.03.2015

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1721 of 2015

Dated this the 17th day of March, 2015.

O R D E R

The petitioner herein is the original first accused in Crime No.49 of 2007 of the Mathilakam Police Station. It is now pending as S.C No.778 of 2013 of the Principal Assistant Sessions Court, Irinjalakuda. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 143, 147, 148, 341, 323, 324, 427, 308 r/w 149 of IPC on the complaint of one Thushar who is the first 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. 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. The prosecution as against the accused Nos. 2 to 6 stands quashed by this court, by order dated 26.9.2013 in Crl.M.C No.4111 of 2013.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.778 of 2013 of the Principal Assistant Sessions Court, Irinjalakuda will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE