

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

CrI.MC.No. 1743 of 2015 ()

S.C.No. 331/2012 of ASSISTANT SESSIONS COURT, VADAKARA

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PETITIONERS/ACCUSED Nos.2 & 3:

**1. SAHAD, S/O.MOIDEEN, AGED 31 YEARS
PADINJARAYIL THAMASIKKUM
THEKKAM VALIYAKATHU VEEDU
THUNERI AMSOM , MUDAVANTHERI
VATAKARA THALUK, KOZHIKODE DISTRICT**

**2. SUBAIR, S/O. MOIDEEN, AGED 35 YEARS
PADINJARAYIL THAMASIKKUM
THEKKAM VALIYAKATHU VEEDU
THUNERI AMSOM , MUDAVANTHERI
VATAKARA THALUK**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT:

**1. ROBIN VARGHESE, S/O. VARKEY
PETTAPUZHA HOUSE, KAVILUMPARA PO
VATAKARA TALUK, KOZHIKODE DISTRICT, PIN-673101**

**2. STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM PIN-682031**

R1 BY ADV. SMT.PA.ANEESHA

R2 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1743 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE 1: TRUE COPY OF FINAL REPORT IN CRIME NO. 134/209 OF NADAPURAM
POLICE STATION**

ANNEXURE 2: TRUE COPY OF JUDGMENT IN CRMC 3487/2013

ANNEXURE 3: SWORN AFFIDAVIT OF 1ST RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1743 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioners herein are the accused Nos.2 and 3 in S.C.No.331/2012 of the Assistant Sessions Court, Vatakara. The case against the 1st accused was quashed by this Court on settlement as per order dated 20.08.2013 in Crl.M.C.No.3487/2013. The petitioners also now 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, 148, 341, 323, 324, 427 and 308 read with 1498 IPC on the complaint of one Robin Vargeese, who is the 1st 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. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the

High Court can quash prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further 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.331/2012 of the Assistant Sessions Court, Vatakara 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

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