

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 717 of 2013

**CC.NO.1525/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, KOCHI.
CRIME NO. 2565/2011 OF KOCHI CUSBA POLICE STATION.**
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PETITIONER(S)/ACCUSED NOS. 3 TO 5:

- 1. MANIKUTTAN, AGED 38 YEARS,
S/O.GOPI, PUTHEN NIKARTHIL (H),
MOOLANGUZH, KOCHI.**
- 2. RAJU, AGED 45 YEARS,
S/O.VELAYUDHAN, NIKARTHIL VEEDU,
THYCOTTUSSERY, CHERTHALA.**
- 3. SEBASTIAN, AGED 42 YEARS,
S/O.JOSEPH, CHERRIYAPARAMBIL (H),
PAZSHNITHODU, EDAKOCHI.**

***ADDL. PETITIONERS 4 & 5 IMPEADED**

- 4. SANTHOSH JOSEPH, AGED 58 YEARS,
S/O.K.B.JOSEPH, KUZHIPARAMBIL HOUSE,
MOOLAMKUZHI, KOCHI - 682 004.**
- 5. SANDEEP JOSEPH, AGED 37 YEARS, S/O.JOSE JOSEPH,
KUZHIPARAMBIL HOUSE, MOOLAMKUZHI, KOCHI - 682 004.**

**ADDL. PETITIONERS 4 & 5 ARE IMPEADED AS PER
ORDER DATED 26.03.2015 IN IA.2208/2015.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 2565/2011 OF KOCHI CUSBA POLICE STATION)
(CC NO. 1525/2012 JFCM-II, KOCHI).**

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- 2. PETTRISHYA SUBHASH,
W/O.SUBASH JOSEPH, KARUVELUPARAMBIL VEEDU,
NEAR ST. LAURANCE SCHOOL, EDAKOCHI - 682 012.**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY ADV. SRI.M.H.HANIS**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

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ANNEXURE I: A TRUE COPY FIR OF THE CRIME NO. 2565/2011 OF KOCHI CUSBA STATION.

ANNEXURE II: THE CERTIFIED COPY OF THE CHARGE SHEET IN CC NO. 1525/2012.

ANNEXURE III: COPY OF DECREE IN OS NO. 60/2000 PASSED BY THE ADDITIONAL SUB COURT, KOCHI.

ANNEXURE IV: COPY OF THE OS NO.21/2012 PENDING ON THE FILE OF MUNSIFF COURT, KOCHI.

RESPONDENTS' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P. UBAID, J.

Crl.M.C.No.717 of 2013

Dated this the 26th day of March, 2015

O R D E R

The petitioners herein are the accused Nos.3 to 5 in C.C.1525/2012 of the Judicial First Class Magistrate Court-II, Kochi. 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, 324, 447, 427 and 506(ii) read with 149 IPC on the complaint of one Pettrishya Subash, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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 the 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 C.C.1525/2012 of the Judicial First Class Magistrate Court-II, Kochi 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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