

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

CrI.MC.No. 1826 of 2015 ()

SC 157/2004 of SESSIONS COURT, THALASSERY
CrI.MC 5956/2014 of HIGH COURT OF KERALA
CRIME NO. 76/2000 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT
=====

PETITIONERS/ACCUSED NO.3 & 7:

- 1. SATHYAN K., AGED 33 YEARS**
S/O NARAYANAN, KALASAKKARAN HOUSE
RAMANTHALI, VADAKKUMBAD P.O.
KANNUR DISTRICT
- 2. PRAKASAN P., AGED 35 YEARS**
S/O. KUTTIYAMBU (LATE)
PULUKKOOL HOUSE, RAMANTHALI
VADAKKUMBAD P.O.
KANNUR DISTRICT

BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682031

BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I COPY OF THE FINAL REPORT IN CRIME NO.76/2000 OF PAYYANNUR
POLICE STATION**

**ANNEXURE II COPY OF JUDGMENT IN S.C. NO.157/2004 OF ASST. SESSIONS COURT,
PAYYANNUR**

**ANNEXURE III COPY OF THE ORDER IN CrI.M.C.No.5956/2014 OF HONOURABLE HIGH
COURT OF KERALA**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.1826 of 2015

Dated this the 20th day of March, 2015

O R D E R

The petitioners are the accused Nos.3 and 7 in S.C. No.157/2004 of the Court of Session, Thalassery. The prosecution against the original 2nd accused stands quashed by this Court as per order dated 03.12.2014 in Crl.M.C.No.5956/2014. The petitioners now seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between the parties. Crime in this case was registered under Sections 143, 147, 148, 341, 324 and 307 read with 149 IPC. They have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 S.C. No.157/2004 of the Court of Session, Thalassery will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

sd