

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Cr1.MC.No. 1851 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 659/2012 of J.M.F.C.-III, THRISSUR
CRIME NO. 609/2012 OF MANNUTHY POLICE STATION, TRISSUR

PETITIONERS/ACCUSED 1 TO 6 RESPECTIVELY:

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1. SUHAIL AGED 23 YEARS
S/O.ABDUL AZIZ, THIRUVANIKAVU, TRICHUR DISTRICT
 2. SOORAJ, AGED 24 YEARS, S/O.SUKUMARAN, INIKKAL VEEDU,
SANTHOSH NAGAR, MANUTHY, TRICHUR DISTRICT
 3. NADEEM, AGED 23 YEARS
S/O.MUHAMAD, KELAKANDATH VEEDU, THIRUVANIKAVU
TRICHUR DISTRICT
 4. ANOOP AGED 23 YEARS
S/O.SEBASTIAN, KOTTAYAKAL HOUSE, THIRUVANIKAVU
TRICHUR DISTRICT
 5. RANJU @ RENJITH, AGED 25 YEARS,
S/O.RAJAN, KALLUVELIKARA VEEDU,
CHERUKUZH, PEECHI VILLAGE, THIRUVANIKAVU, TRICHUR DISTRICT
 6. RONYRAJ, S/O.RAJ AGED 27 YEARS
KOLLANUR VEEDU, KRISHNAPURAM DESOM, OLLUKARA DESOM
TRICHUR DISTRICT

BY ADV. SRI.VINAY RAMDAS

RESPONDENTS/STATE AND DE FACTO COMPLAINTS:

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1. STATE OF KERALA
REPRESENTED BY THE SI OF POLICE MANUTHY POLICE STATION
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KEALA, ERNAKULAM 682 031.
 2. MAJID, AGED 26 YEARS,
S/O.RAHMAN, BANIAN DESOM, HOWRAH DISTRICT,
BENGAL STATE,
NOW WORKING AT KALIMA COLLECTIONS THIRUVANIKAVU PO
OLLUKARA 680655
 3. THANKARAJ, S/O.RAMASWAMY, AGED 27 YEARS
4/121 KARAJAN NAGAR, NADAVAIAKURISHI, KUNIAMATHUR
THUTHUKUDI, TAMIL NADU NOW WORKING AT KALIMA COLLECTIONS
THURAVANIKAVU PO, OLLUKARA 680 655.
 4. NAUSHAD, AGED 45 YEARS
S/O.BAVA, KODATTIL HOUSE, KALATHOD DESOM
THURAVANIKAVU PO, OLLUKARA 680 655
- SMT.P.MAYA, PUBLIC PROSECUTOR
R2-R4 BY ADV. SRI.T.S.SARATH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RKC

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APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1- THE CERTIFIED COPY OF FIR IN CRIME NO. 609/12 OF MUNUTHY
POLICE STATION

ANNEXURE A2- THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 609/12
OF MUNUTHY POLICE STATION

ANNEXURE A3-AFFIDAVIT OF THE 2ND RESPONDENT

ANNEXURE A4- AFFIDAVIT OF THE 3RD RESPONDENT

ANNEXURE A5- AFFIDAVIT OF THE 4TH RESPONDENT

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.UBAID, J.

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Dated this the 1st day of April, 2015

ORDER

The petitioners herein are the six accused in C.C No.659/2012 of the Judicial First Class Magistrate Court.No.III, Thrissur. 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, 148, 447, 323, 324, 294(b), 506(1) of IPC on the complaint of one Majid, S/o.Rehman 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. The other persons who sustained injuries in the alleged incident are the respondent Nos.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.

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 No.659/2012 of the Judicial First Class Magistrate Court.No.III, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution

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and the bail bond, if any, executed by them will stand discharged.

Sd/-

**P.UBAID,
JUDGE.**

rkc.