

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 1880 of 2015 ()

CRIME NO. 1899/2009 OF ALUVA POLICE STATION.

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PETITIONERS/ACCUSED:

1. M.A. KOYAN, S/O.ABDUL REHIMAN,
AGED 60 YEARS, MEZHUKKATTIL,
EDATHALA NORTH P.O., ALUVA-683 564.
2. M.K. ABDUL AZIZ, S/O.KOYAN,
AGED 33 YEARS, METTUKKATTIL HOUSE,
EDATHALA NORTH, ALUVA-683 564.
3. V.K. NAZAR, S/O.KUNJIKKUTTY,
AGED 36 YEARS, VALLUVAL,
EDATHALA NORTH P.O., ALUVA.
4. ABDUL SALAM, S/O.ALIKKUNJU,
AGED 39 YEARS, ETTUKKATTIL HOUSE,
EDATHALA NORTH P.O., ALUVA.
5. ABU, S/O.KUNJU MOIDEEN,
AGED 44 YEARS, CHEMBAKASSERY HOUSE,
EDATHALA NORTH P.O., ALUVA.
6. M.A. IBRAHIMKUTTY, S/O.AHAMMED KUTTY,
AGED 35 YEARS, MEZHUKKATTIL HOUSE,
EDATHALA NORTH P.O., ALUVA.

BY ADV. SRI.PRAMOD J.DEV.

RESPONDENTS/STATE & COMPLAINANT:

1. SUB INSPECTOR OF POLICE,
ALUVA POLICE STATION, ALUVA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

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**2. JOHNSON GEORGE, S/O.GEORGE UMMEN,
AGED 49 YEARS, GILGAL, EDATHALA NORTH P.O.,
ALUVA-683 564.**

**R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.
R2 BY ADVS. SRI.MANUEL KACHIRAMATTAM,
SMT.MERRY GEORGE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 1880 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO.1899/2009.**
- ANNEXURE A2 CERTIFIED COPY OF THE CHARGE SHEET IN
CRIME NO.1899/2009.**
- ANNEXURE A3 COPY OF THE COMPROMISE PETITION.**
- ANNEXURE A4 COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.1880 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioners herein are the accused in C.C. No.1775/2010 of the Judicial First Class Magistrate Court-I, Aluva. 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, 506(1), 294(b) and 296 read with 149 IPC on the complaint of one Johnson George, 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.

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 the prosecution 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.1775/2010 of the Judicial First Class Magistrate Court-I, Aluva 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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