

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Crl.MC.No. 1937 of 2015 ()

CC. NO.1173/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALUVA.

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PETITIONERS/ACCUSED:

- 1. MARTIN, S/O.ANTHONY, AGED 43 YEARS,
KIRIYANTHAN HOUSE, CHAMBANNOOR,
ANGAMALY VILLAGE, ALUVA TALUK. (A1)**
- 2. LINO, S/O.URUMIS, AGED 21 YEARS,
KIRIYANTHAN HOUSE, CHAMBANNOOR,
ANGAMALY VILLAGE, ALUVA TALUK. (A2).**

BY ADV. SRI.K.S.RAJEEV (ALUVA).

RESPONDENTS/COMPLAINANTS:

- 1. STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
ANGAMALY POLICE, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. PRAVEEN, S/O.THOMAS, AGED 28 YEARS,
ARAKKAL HOUSE, CHAMBANNOOR,
ANGAMALY VILLAGE, ALUVA TALUK.**
- 3. PRAMOD, S/O.THOMAS, AGED 25 YEARS,
ARAKKAL HOUSE, CHAMBANNOOR,
ANGAMALY VILLAGE, ALUVA TALUK.**

**R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.
R2 & R3 BY ADV. SRI.K.P.SURAJ.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A CERTIFIED COPY OF THE CHARGE SHEET (C.C.1173/2014 OF JFCM II, ALUVA).**
- ANNEXURE B CERTIFIED COPY OF THE FIR IN CR. NO.2070/2014 OF ANGAMALY POLICE STATION.**
- ANNEXURE C F.I. STATEMENT.**
- ANNEXURE D AFFIDAVIT OF RESPONDENT NO.2.**
- ANNEXURE E AFFIDAVIT OF RESPONDENT NO.3.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.UBAID, J.
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**Crl.M.C No.1937 of 2015**  
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Dated this the 25th March, 2015

ORDER

The petitioners herein are the two accused in C.C No.1173 of 2014 of the Judicial First Class Magistrate's Court-II, 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 323, 326, and 294 (b) read with 34 of Indian Penal Code on the complaint of one Praveen 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. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

3. 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.1173 of 2014 of the Judicial First Class Magistrate's Court-II, 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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/True copy/

P.S to Judge