

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

CrI.MC.No. 1977 of 2015 ()

**CP.NO. 3/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, ALUVA
CRIME NO. 310/2011 OF THRIKKAKARA POLICE STATION , ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED:

- 1. SHABIN V.K, S/O.KAREEM, AGED 23 YEARS,
RESIDING AT LIG 355, KARIPPAYI HOUSE,
GANDHI NAGAR, ELAMKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.**
- 2. SHAHABAS JAN,
S/O.SNEHAJAN, MEKKATTIL, KUSAT.P.O.,
THRIKKAKARA VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**
- 3. ADEEP, S/O.HAMSA, AGED 24 YEARS,
KARIVELITHUNDIYIL, KOTTECANAL ROAD,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.**
- 4. SEESON THOMAS, AGED 25 YEARS,
S/O.THOMAS, THAIPARAMBIL, VADACODE.P.O.,
THRIKKAKARA NORTH VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**
- 5. JOSEPH ANTONY, S/O.ANTONY, AGED 23 YEARS,
VILAKKITHARA, AZAD ROAD,N.A.P.JUNCTION,
KALOOR, ELAMKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,
REP. BY SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION.**
- 2. SANDEEP, S/O.RAMACHANDRAN,AGED 25 YEARS,
NANDANAM HOUSE, VENNALA,EDAPPALLAY SOUTH VILLAGE,
ERNAKULAM DISTRICT.**

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3. AKHIL JOSEPH,
SON OF SOURI, AGED 23 YEARS,
RESIDING AT ILAVUNGAL HOUSE,
PONEKKARA KARA, EDAPPALLAY NORTH VILLAGE,
ERNAKULAM DISTRICT.

R1 BY SR PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P.
R2 & R 3 BY ADV. SRI.V.JOHN MANI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 1977 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX 1- CERTIFIED COPY OF THE FIR IN CRIME NO.310/2011 OF THRIKKAKARA
POLICE STATION.**

**ANNEX 2- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.310/2011 OF
THRIKKAKARA POLICE STATION.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P. UBAID, J.

Crl.M.C.No.1977 of 2015

Dated this the 27th day of March, 2015

O R D E R

The petitioners herein are the accused in C.P.No.3/2015 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, 323 and 308 read with 149 IPC on the complaint of one Sandeep, 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 person who sustained injuries in the alleged incident is the respondent No.3 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.

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. The counter case also stands quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.P.No.3/2015 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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