

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1988 of 2015 ()

**IN CC 108/2011 of J.M.F.C.-II,TRIVANDRUM
CRIME NO. 405/2009 OF THUMBA POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S):

**UDAYAKUMAR AGED 45 YEARS
S/O.SADASIVAN, PUTHIAKADAYIL VEEDU, GURU NAGAR
KULATHOOR, ATTIPPRA VILLAGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.V.S.THOSHIN
SRI.I.ARIF MUHAMMAD**

RESPONDENT(S):

- 1. LINEESH LAL
S/O.DIVAKARAN, RESIDING AT KARIJALAKKAL VEEDU
MEDANANADU, KOLLUMURI, ATTIPRA VILLAGE
THIRUVANANTHAPURAM 695 007.**
 - 2. BAIJU @ SANKARAN
S/O.CHANDRAN, RESIDING AT MANNAYAMVILAKOM VEEDU
KORALAMKUZHY, ATTIPPRA VILLAGE
THIRUVANANTHAPURAM 695 007.**
 - 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM KOCHI 682 031 THROUGH THE SUB INSPECTOR OF POLICE
THUMBA POLICE STATION, THIRUVANANTHAPURAM 695 020.**
- R1 & 2 BY ADV. SRI.T.K.BABU
R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CrI.MC.No. 1988 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A. COPY OF THE FINAL REPORT IN CC NO. 108/11 PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, THIRUVANANTHAPURAM.

ANNEXURE B. THE COMPROMISE AFFIDAVIT OF THE 1ST RESPONDENT/DEFACTO COMPLAINANT/CW1.

ANNEXURE C. THE COMPROMISE AFFIDAVIT OF THE 2ND RESPONDENT/CW2.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1988 of 2015

Dated this the 26th day of March, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No.108 of 2011 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 294(b), 341 and 324 of IPC on the complaint of one Lineesh Lal who is the first 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 second 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.

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 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 petitioner herein in C.C No.108 of 2011 of the Judicial First Class Magistrate Court-II, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

Sd/-

P.UBAID,
JUDGE