

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

Crl.MC.No. 2008 of 2015 ()

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CC 1114/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA
CRIME NO. 311/2011 OF THRIKKAKARA POLICE STATION, ERNAKULAM DISTRICT
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PETITIONERS/ACCUSED:

- 1. SANDEEP K.R., AGED 25 YEARS
S/O. RAMACHANDRAN, RESIDING
KUNDDOR-PUTHEN VEEDU, JRA 87B
JANATHA JN, MANJUMMAL -683501**
- 2. AKHIL JOSEPH, AGED 25 YEARS
S/O. LATE CHOURI, RESIDING
ELAVUNKAL HOUSE, ELAMAKKARA P.O.
KOCHI - 6682026**

BY ADV. SRI.V.JOHN MANI

RESPONDENT/STATE & DEFACTO COMPLAINANT (SOLE INJURED):

- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031**
- 2. SHABIN, S/O. KAREEM, AGED 23 YEARS, RESIDING AT
LIG-355, GANDHI NAGAR, ELAMKULAM VILLAGE
KADAVANTHRA, KOCHI, PIN-682016**
- 3. SHAHABHAS, S/O. SNEHAJAN, AGED 23 YEARS
RESIDING AT MEKATU HOUSE, NEAR CUSAT, THRIKAKARA
NORTH, KALAMASSERY, ERNAKULAM DISTRICT, PIN-682025**
- 4. ADEEP, S/O. HAMSA, AGED 23, RESIDING AT KARIVELI THUNDIL
HOUSE, NEAR LISSIE HOSPITAL, ELEMKULAM VILLAGE
ERNAKULAM, PIN- 682018**
- 5. SEESON, S/O. THOMAS, AGED 23 YEARS, THAIPARAMBIL HOUSE
VADAKADU KARA, THRIKAKARA NORTH VILLAGE
ERNAKULAM, PIN-682630**
- 6. JOSEPH, S/O. ANTONY, RESIDING AT VILAKITHARA HOUSE
AZAD ROAD, KATHRIKADAVU KARA, ELAMKULAM VILLAGE
ERNAKULAM, PIN - 682020**

R2 -R 6 BY ADV. SRI.P.M.ZIRAJ

R1 BY Sr.PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

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

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 COPY OF THE FIRST INFORMATION REPORT DATED 1.02.2011
IN CRIME NO.311/2011 THRIKKAKARA POLICE STATION**

**ANNEXURE A2 COPY OF THE CHARGE DAED 26.02.2011 IN C.C.NO.1114/2011
(CRIME NO.311/2011)**

**ANNEXUR A3 COPY OF THE FIRST INFORMATION REPORT DATED 11.02.2011
IN CIRME 310/2011 OF THE THRIKKAKARA POLICE STATION**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.2008 of 2015

Dated this the 27th day of March, 2015

O R D E R

The petitioners herein are the accused in C.C.No.1114/2011 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 323, 324, 325 and 34 IPC on the complaint of one Shabin, 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 to 6 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.1114/2011 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. The counter case also stands quashed.

Sd/-
P. UBAID, JUDGE

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