

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Cri.MC.No. 2075 of 2015 ()

**CC NO.55/2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, COURT,
KOLENCHERY
(CRIME NO. 1008/2013 OF PUTHENCROUZ POLICE STATION , ERNAKULAM)**

PETITIONER(S)/ACCUSED:

- 1. BABY MATHEW, AGED 20 YEARS,
S/O.MATHAI, MOOTHARIL HOUSE, PANGOTTEKARA,
AIKARANADU VILLAGE. (ACCUSED 2)**
- 2. MIDHUN RAJAN, AGED 20 YEARS
S/O.RAJAN, DEVALAYAM HOUSE, THONNIKARA
AIKARANADU NORTH VILLAGE. (ACCUSED 1)**
- 3. VISHNU, AGED 20 YEARS
S/O.JAYAKUMAR, THURUTHIENJIL HOUSE, PAZHAMTHOTTAM KARA
AIKARANADU NORTH VILLAGE. (ACCUSED 3)**
- 4. ANSAR C.A., AGED 22 YEARS
S/O.HASSAINAR, CHITTETHUKUDIYIL HOUSE, MUZHUVANNUR. (ACCUSED 4)**
- 5. RENJITH, AGED 22 YEARS
S/O.RAKHAVAN, VENJARAMKUZHI HOUSE, KOOMATHODUKARA,
PATTIMATTOM. (ACCUSED 5)**
- 6. ABOOBAKAR, AGED 21 YEARS
S/O.MUHAMMED, PAINAYIL HOUSE, EAST VAZHAPITHY
MULAVOOR VILLAGE. (ACCUSED 6)**

BY ADV. SRI.R.ROHITH

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682031.**
- 2. AKHIL, AGED 20 YEARS
S/O.RAGHU, KATTACHIRAKUNNEL (H), PERUVAMUZHIBHAGAM
KADAMATTOM KARA, AIKARANADU NORTH VILLAGE-682311.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P.
R2 BY ADV. SRI.SAYED MURTHALA THANGAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

Crl.MC.No. 2075 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1- A TRUE COPY OF THE F.I.R IN CRIME NO.1008/13 REGISTERED BY
PUTHENKURIZ POLICE STATION.**

**ANNEXURE A2- A TRUE COPY OF THE FINAL REPORT DATED 23.12.2013 IN
C.C.NO.55/2014 SUBMITTED BEFORE THE HON'BLE FIRST CLASS
MAGISTRATE COURT, KOLLENCHERI.**

ANNEXURE A3- A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P. UBAID, J.

Crl.M.C.No.2075 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioners herein are the six accused in C.C.No.55/2014 of the Judicial First Class Magistrate Court, Kollenchery. 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, 323, 324, 427 and 149 IPC on the complaint of one Akhil, 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 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.55/2014 of the Judicial First Class Magistrate Court, Kollenchery 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

sd