

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

Crl.MC.No. 2084 of 2015 ()

**CC 815/2007 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NEYYATTINKARA
CRIME NO. 106/2007 OF KANJIRAMKULAM POLICE STATION, THIRUVANANDAPURAM**

PETITIONERS/1TO 4 ACCUSED :

- 1. RATHESH, S/O. RAJIN
URKAKKINNATTIE PURAYIDAM KOCHUTHURA KARUMKULAM,
TRIVANDRUM .**
- 2. SALU
S/O. ANDREWS URKINNATTIE PURADUIM,
KOCHUTHARA KARUMKULAM, TRIVANDRUM**
- 3. ANDREWS
S/O. ANTHAPPAN, URKINNATTIE PURADUIM
KOCHUTHURA KARUMKULAM, TRIVANDRUM .**
- 4. EDISON
S/O. ANTHAPPAN, URKINNATTIE PURADUM
KOCHUTHURA KARUMKULAM, TRIVANDRUM .**
- 5. MARIA
D/O. PUSHAROSE, URKINNATTIE PURADUIM
KOCHUTHURA KARUMKULAM, TRIVANDRUM .**
- 6. ELIZABETH
URKINNATTIE PURADIUM, THOOTAPUREDUM KARUMKULAM
TRIVANDRUM.**

BY ADV. SRI.M.R.SARIN

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SHAJI , AGED 30 YEARS,
S/O. GEORGE THEKKAKKARA
THALATHOOPU KOCHUTHURA KARUMKULAM
THIRUVANANTHAPURAM-695 001.**

Crl.MC.No. 2084 of 2015 ()

**3. TONY, AGED 31 YEARS
S/O. JOSEPH GEORGE
THALATHOOPU KOCHUTHURA KARUMKULAM
THIRUVANANTHAPURAM-695 001.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.
R2 BY ADV. SRI.AJAYA KUMAR. G**

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : CERTIFIED COPY OF THE FIR NO.106/07 OF KANJIRAMKULAM
POLICE STATION.**

**ANNEXURE A2 : CERTIFIED COPY OF THE FINAL REPORT IN CC NO.815/07
PENDING BEFORE JUDICIAL FIRST CLASS MAGISTRATE
COURT, NEYYATTINKARA.**

ANNEXURE A3 : AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.

ANNEXURE A4 : AFFIDAVIT SIGNED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.2084 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioners herein are the four accused in C.C. No.815/2007 of the Judicial First Class Magistrate Court-III, Neyyattinkara. 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, 149, 323 and 324 IPC on the complaint of one Shaji, 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 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.

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.815/2007 of the Judicial First Class Magistrate Court-III, Neyyattinkara will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

P. UBAID, JUDGE

sd