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. 2085 of 2015 ()

CC 247/2014 of JUDL. FIRST CLASS MAGISTRATE COURT,NORTH PARAVUR (TEMPORARY)

CRIME NO. 3/2010 OF VARAPPUZHA POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED :

ALDRIN FERNADAS, AGED 26 YEARS,
S/O. STANLIN FERNANDEZ, MALIYEKKAL HOUSE, MOOLAMPILLY
KADAMAKKUDY VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENTS/STATE AND CW1 & CW2:

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1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VARAPPUZHA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. LIXON , AGED 24 YEARS,
S/O. AUGUSTINE, KURISHUPARAMBU HOUSE, MOOLAMPILLY,
KADAMAKKUDY VILLAGE, ERNAKULAM VILLAGE.

3. AUGUSTINE ROBI , AGED 27 YEARS,
S/O. TOMY, CHETTIVALAPPU, MOOLAMPILLY,
KADAMAKKUDY VILLAGE, ERNAKULAM DISTRICT.

R1 BY SENIOR PUBLIC PROSECUTOR SMT. SEREENA GEORGE P.
R2 & R3 BY ADV. SRI.M.V.LALU MATHEWS

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

bp

Crl.MC.No. 2085 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : COPY OF THE CHARGE SHEET IN CC NO.247/2014 PENDING ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NORTH PARUR ARISING OUT OF CRIME NO.3/2010 OF VARAPUZHA POLICE STATION.

ANNEXURE A2 : NOTRAZIED AFFIDAVIT DTD.23.2.2015 SWORN BY THE 2ND RESPONDENT.

ANNEXURE A3 : NOTRAZIED AFFIDAVIT DTD.23.2.2015 SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.2085 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C.No.247/2014 of the Judicial First Class Magistrate Court-III, North Paraur. 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 324 and 326 of IPC on the complaint of one Lixon, 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 the prosecution 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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.247/2014 of the Judicial First Class Magistrate Court-III, North Paraur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

sd