

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

CrI.MC.No. 2108 of 2015 ()

AGAINST CC 156/2015 of JUDICIAL FIRST CLASS MAGISTRATE
COURT, KURUPPUMPADY

PETITIONER(S)/ACCUSED NOS.1 TO 4:

1. ARUN @ KALESH AGED 28 YEARS
S/O. KUNJU, POOCHAKARA HOUSE, KOMBANAD VILLAGE
PANIYELI KARA.
2. MANOJ AGED 38 YEARS
S/O. NARAYANAN, POOCHAKARA HOUSE, KOMBANAD VILLAGE
PANIYELI VILLAGE.
3. AKHIL KUMAR AGED 22 YEARS
S/O. KUNJU, POOCHAKARA HOUSE, KOMBANAD VILLAGE
PANIYELI KARA.
4. CHANDRESH AGED 29 YEARS
S/O. CHANDRAN, NJAVADI HOUSE, KOMBANAD VILLAGE
PANIYELI KARA.

BY ADV. SRI.VIPIN NARAYAN

RESPONDENT(S)/DEFACTO COMPLAINANT/INJURED & STATE :

1. PRIJITH, AGED 29 YEARS
S/O. MOHANAN, CHERUPILLY VEETTIL, AKANADU KARA
VENGOOR, WEST VILLAGE, ERNAKULAM DISTRICT-683 546.
2. SURESH , AGED 47 YEARS
S/O. KANNAN, CHERUPILLY VEETTIL, AKANADU KARA
VENGOOR WEST VILLAGE, PIN-683 546.
3. BIJU , AGED 37 YEARS
S/O. GOPALAKRISHNAN, PADICKAL VEETTIL
KARATTUPALIKARA BHAGOM, PERUMBAVOOR VILLAGE
PIN-683 541.
4. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1-3 BY ADV. SRI.M.REVIKRISHNAN

R4 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2108 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A : COPY OF THE CHARGE REPORT IN CRIME NO.562/2013 OF THE KURUPPUMPADY POLICE STATION, NOW PENDING AS CC NO.156/2015 ON THE FILE OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, KURUPPUMPADY.

ANNEXURE B : THE SWORN IN BY THE 1ST RESPONDENT/DEFACTO COMPLAINANT/CW1 SIGNIFYING THE FACTUM OF SETTLEMENT OF THE DISPUTES.

ANNEXURE C: THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT/AGGREIVED/CW2 SIGNIFYING THE FACTUM OF SETTLEMENT OF THE DISPUTES.

ANNEXURE D : THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT/AGGREIVED/CW3 SIGNIFYING THE FACTUM OF SETTLEMENT OF THE DISPUTES.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2108 of 2015**  
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Dated this the 31st March, 2015

ORDER

The petitioners herein are the four accused in C.C No.156 of 2015 of the Judicial First Class Magistrate's Court, Kuruppumpady. 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 294 (b), 324 and 506 (ii) read with 34 of Indian Penal Code on the complaint of one Prijith, who is the 1st 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. The other persons who sustained injuries in the alleged incident are the respondents 2 & 3 in this proceeding. They have also filed separate affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint now.

3. 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.156 of 2015 of the Judicial First Class Magistrate's Court, Kuruppumpady 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**

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True copy

P.S to Judge