

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

Crl.MC.No. 2110 of 2015 ()

AGAINST CC 86/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 1033/2013 OF MULANTHURUTHY POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED IN CC 86/14:

ANEESH V R AGED 24 YEARS
S/O. RADHAKRISHNAN, RESIDING AT VADAKKE ALACKAL
PERUMPALLY DESOM, MULANTHURUTHY VILLAGE.

BY ADV. SRI.VARGHESE P.CHACKO

RESPONDENT(S)/COMPLAINANT/DEFACTO COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SUMESH P.S., AGED 29 YEARS
S/O. SUKHU, RESIDING AT PANDANKUDIYIL HOUSE
ARAKUNNAM P.O., MULANTHURUTHY, PIN-682 613
MULANTHURUTHY VILLAGE, THURUTHIKARA DESOM
NOW RESIDING AT C/O. BABU PADATHUMKATTIL
PADATHUKATTIL HOUSE, MULANTHURUTHY P.O.
MULANTHURUTHY VILLAGE, ERNAKULAM.
3. ELDOS MATHEW , AGED 40 YEARS
S/O. MATHEW, RESIDING AT NETTADYIL HOUSE, MANEEDU P.O.
PIRAVOM, MANEEDU VILLAGE, PEPPATHY DESOM
ERNAKULAM DISTRICT-686 664.

R2-3 BY ADV. SRI.ANTO THOMAS
R1 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. 2110 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : ORIGINAL OF THE FIR ALONG WITH THE FINAL CHARGE AND THE DEPOSITIONS THEREOF, IN CC NO.86/2014.

ANNEXURE A2 : ORIGINAL OF THE AFFIDAVIT AFFIRMED BY THE 2ND RESPONDENT AND 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No.2110 of 2015**  
~~~~~  
Dated this the 31st March, 2015

ORDER

The petitioner herein is the sole accused in C.C No.86 of 2014 of the Judicial First Class Magistrate's Court, Piravom. 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 451, 341, 323 and 326 of Indian Penal Code on the complaint of one Sumesh who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The other victim of offence is the 3rd respondent in this proceeding. The respondents 2 and 3 have filed affidavit jointly 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 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 counter case registered by the police also stands quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.86 of 2014 of the Judicial First Class Magistrate's Court, Piravom 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

ma /True copy/

P.S to Judge

ma

**P.UBAID
JUDGE**