

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Cr1.MC.No. 2168 of 2015 ()

AGAINST THE ORDER IN SC 891/2013 of SUB COURT, NEYYATTINKARA
CRIME NO. 378/2013 OF MALAYINKEEZH POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 TO 7:

1. MADHAVAN AGED 55 YEARS
S/O.SUKUMARAN PILLAI, MADHAVAN NIVAS, CHOOZHATTUKOTTA
VILAVOOR DESOM, VILAVOOR VILLAGE.
2. RATHEESH @ UNNI AGED 31 YEARS
S/O.MADHAVAN, MADHAVA NIVAS, CHOOZHATTUKOTTA
VILAVOOR DESOM, VILAVOOR VILLAGE.
3. SANTHAKUMAR @ SANTHAN AGED 33 YEARS
S/O.VELAYUDHAN NAIR, PARAYAM HOUSE, CHOOZHATTUKOTTA
VILAVOOR DESOM, VILAVOOR VILLAGE.
4. BIJU KUMAR @ KUTTAN AGED 37 YEARS
S/O.CHANDRAN NAIR, CHENAVILAKATH HOUSE
CHOOZHATTUKOTTA, VILAVOORKAL DESOM
VILAVOORKAL VILLAGE.
5. SREEKANDAN NAIR @ KANNAN AGED 42 YEARS
CHENAVILAKATHU HOUSE, VILAVOORKAL KARA
VILAVOORKAL VILLAGE.
6. SUNIL KUMAR @ SUNIL AGED 44 YEARS
S/O.KUTTAPPAKURUP, SANTHOSH BHAVAN, CHOOZHATTUKOTTA
VILAVOORKAL DESOM, VILAVOORKAL VILLAGE.
7. SURESH KUMAR @ SURESH AGED 33 YEARS
S/O.APPU ASSARI, NELLIMOODU HOUSE
CHOOZHATTUKOTTA, VILAVOORKAL DESOM
VILAVOORKAL VILLAGE.

BY ADV. SRI.R.GOPAN

RESPONDENTS/PETITIONERS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. RENJITH @ MUTHU, AGED 38 YEARS
S/O.RANGAN, RESIDING AT KUNNUVILAKATHU VEEDU
VILAVOORKAL DESOM, VILAVOORKAL VILLAGE
CHOOZHATTUKOTTA, THIRUVANANTHAPURAM - 695 001
- SMT.SAREENS GEORGE.P., PUBLIC PROSECUTOR
R2 BY ADV. SRI.SHAJIN S.HAMEED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
RKC

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APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-A: A CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.378/2013 OF MALAYINKEEZHU POLICE STATION SUBMITTED BEFORE THE
ASSISTANT SESSIONS COURT, NEYYATTINKARA IN S.C. NO.891/2013

ANNEXURE-B: AFFIDAVIT SWORN BY THE 2ND RESPONDENT BEFORE THE
NOTARY PUBLIC DATED 28.3.2015

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.UBAID, J.

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Dated this the 1st day of April, 2015

ORDER

The petitioners herein are the accused in S.C.No.891/2013 of Assistant Sessions Court, 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, 341 IPC and section 5 of Explosive Substance Act, 1908, on the complaint of one Renjith @ Muthu 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

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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 S.C.No.891/2013 of Assistant Sessions Court, Neyyattinkara 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.

rkc.