

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. 2178 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 1801/2013 of J.M.F.C., PERUMBAVOOR
CRIME NO. 526/2012 OF PERUMBAVOOR POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED:

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1. ANSAR AGED 34 YEARS
S/O.KOCHUNNI, MANNOOPPARAMBAN HOUSE, VENGOLA VILLAGE
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
 2. ALIYAR AGED 52 YEARS
S/O.BAVARU, MANNOOPPARAMBAN HOUSE, VENGOLA VILLAGE
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
 3. BINEESH AGED 28 YEARS
S/O.ALIYAR, MANNOOPPARAMBAN HOUSE, VENGOLA VILLAGE
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
 4. NISSAR AGED 34 YEARS
S/O.ASSAINAR, MANNOOPPARAMBAN HOUSE, VENGOLA VILLAGE
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
 5. VAVARU AGED 70 YEARS
S/O.AUKARKUTTY, MANNOOPPARAMBAN HOUSE, VENGOLA VILLAGE
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
- BY ADVS.SRI.C.A.NAVAS
SRI.T.K.SASIKUMAR
SRI.P.A.SHAJI SAMAD
SMT.E.G.AMBILY
SRI.C.J.SOLOMAN

RESPONDENTS/COMPLAINANT:

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1. GEORGE, AGED 52 YEARS
S/O.YACOB, ELAVUMKUDY HOUSE, NEAR SUB STATION
VENGOLA VILLAGE, VENGOLA KARA
ERNAKULAM DISTRICT - 683 031.
 2. JOY, AGED 44 YEARS
S/O.YACOB, ELAVUMKUDY HOUSE, NEAR SUB STATION
VENGOLA VILLAGE, VENGOLA KARA
ERNAKULAM DISTRICT - 683 031.
 3. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
- SMT.SAREENA GEORGE.P.,PUBLIC PROSECUTOR
R1-2 BY ADV. SRI.K.I.SAGEER

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

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-A1: THE accused COPY OF THE FINAL REPORT IN CRIME
NO.526/2012 FILED BEFORE THE JFCM COURT, PERUMBAVOOR.

ANNEXURE-A2: ORIGINAL AFFIDAVIT ISSUED BY THE 1ST RESPONDENT DATED
28.3.2015

ANNEXURE-A3: ORIGINAL AFFIDAVIT ISSUED BY THE 2ND RESPONDENT DATED
28.3.2015

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.UBAID, J.

Crl.M.C.No.2178 of 2015

Dated this the 1st day of April, 2015

ORDER

The petitioners herein are the accused in C.C No.1801/2013 of the Judicial First Class Magistrate Court, Perumbavoor. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainants. Crime in this case was registered under Sections 143, 147, 148, 341, 323, 324, 326, 294(b), 149 on the complaint of one George, S/o. Yacob 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. The other person who sustained injuries in the alleged incident is the 2nd 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.

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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 petitioner/petitioners herein in C.C No.1801/2013 of the Judicial First Class Magistrate Court, Perumbavoor will stand quashed under Section 482 of the Code of Criminal Procedure.

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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.