

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Cr1.MC.No. 2252 of 2015

IN SC 465/2012 OF THE PRINCIPAL ASSISTANT SESSIONS COURT,
IRINJALAKUDA

CRIME NO. 126/2012 OF KATTOOR POLICE STATION, TRISSUR

PETITIONERS:

1. VALSAN @ SREEVALSAN, AGED 35 YEARS,
S/O.CHANDRAN, PALLICHADATH HOUSE, PONJANAM DESOM,
KATTOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680001
2. SANDEEP, AGED 23 YEARS,
S/O.SUBRAMANYAN, KATHIRAPPALLY HOUSE,
PONJANAM DESOM,
KATTOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680001
3. SANTHOSH @ ANCHERY SANTHOSH, AGED 40 YEARS,
S/O.JOHN, IMMATTY HOUSE, PONJANAM DESOM,
KATTOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680001

BY ADVS.SRI.G.SREEKUMAR (CHELUR)

SRI.N.L.BITTO

RESPONDENTS:

1. STATE OF KERALA
REP. BY THE SUB INSPECTOR OF POLICE,
KATTOOR POLICE STATION
THRISSUR THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 682031
2. RAJENDRAN, AGED 35 YEARS,
S/O.RAMACHANDRAN PAI, KANNAMPARAYIL HOUSE,
PONJANAM DESOM, KATTOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680001
3. RAGESH, AGED 31 YEARS,
S/O.KOCHURAMAN, CHIRAYATH HOUSE, PONJANAM DESOM,
KATTOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT- 680 001

R2,3 BY ADV. SRI.K.ASHIS

R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2252 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: COPY OF THE FIR IN CRIME NO.126/2012 OF THE KOTTOOR
POLICE STATION DATED 05.03.2012

ANNEXURE II: COPY OF THE CHARGE SHEET FILED BY KATTOOR POLICE IN
CRIME NO.126/2012 DATED 31.03.2012

ANNEXURE III: COPY OF THE AFFIDAVIT OF THE SECOND RESPONDENT
DATED 30.3.2015

ANNEXURE IV: COPY OF THE AFFIDAVIT OF THE THIRD RESPONDENT DATED
02.04.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2252 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioners herein are the three accused in S.C No.465/2012 of the Principal Assistant Sessions Court, Irinjalakuda. 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 452, 341, 323, 324, 427 and 308 r/w 34 of the Indian Penal Code on the complaint of one Rajendran 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. 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.

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. On a perusal of the materials I find that Section 308 IPC was incorporated in the FIR and the final report by the police on the basis of some hypothetical statement. 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.465/2012 of the Principal Assistant Sessions Court, Irinjalakuda 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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