

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. 2267 of 2015

IN C.C 1244/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-III, THIRUVANANDAPURAM
CRIME NO. 564/2014 OF MUSEUM POLICE STATION, THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

1. ABHILASH,
S/O.RAVEENDRAN, TC 8/318, ALAPPURAM ROAD,
THIRUMALA, THIRUVANANTHAPURAM.
2. VINOD,
S/O.KRISHNADAS, VASANTHALAYAM VEEDU, MUDAVANMUGAL,
THIRUVANANTHAPURAM.
3. SANILKUMAR,
S/O.GLADSTON, THEJUS, KRA-52-A,
KURAVANKONAM, THIRUVANANTHAPURAM.
4. BOBBY BABYAKSHAN,
S/O.BABYAKSHAN, SHOBHA HOUSE, TC 5/693,
BANU LANE, MANNARANMOOLA, PEROORKADA,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682031.
2. BIMAL ROY C.V,
POURNAMI, KP V/194, VP THAMPY ROAD, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM, PIN - 695 043.

R2 BY ADV. SRI.R.NIKHIL

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. 2267 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: CERTIFIED COPY OF THE FIR IN CRIME NO.564 OF 2014
OF MUSEUM POLICE STATION, DATED 6.4.2014

ANNEXURE-A2: CERTIFIED COPY OF THE CHARGE SHEET IN CC
NO.1244/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-III, THIRUVANANTHAPURAM, DATED 19.7.2014

ANNEXURE-A3: AFFIDAVIT SWORN TO BY THE SECOND RESPONDENT, DATED
28.2.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.2267 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1244/2014 of the Judicial First Class Magistrate Court III, Thiruvananthapuram. 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 323, 324, 341 and 294 (b) r/w 34 of the Indian Penal Code on the complaint of one Bimal Roy 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 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.1244/2014 of the Judicial First Class Magistrate Court III, Thiruvananthapuram 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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