

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Crl.MC.No. 2290 of 2015 ()

AGAINST CC 561/2014 of JUDICIAL FIRST CLASS MAGIST. COURT, ANGAMALY
(TEMPORARY)

PETITIONER(S)/ACCUSED 1 TO 4:

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1. SHAJI AGED 41 YEARS
S/O.POULOSE, KOZHIKADAN HOUSE, PUTHENPALLY KARA
VARAPUZHA.
 2. GLADWIN GEORGE AGED 31 YEARS
S/O.JAMES, ALUVAKKARAN HOUSE, SHAPPUMPADY
VARAPUZHA.
 3. FELWIN GEORGE AGED 29 YEARS
S/O.VARGHESE, THENGAPURAKKAL HOUSE, THEVARKADU KARA
VARAPUZHA.
 4. TONY AGED 29 YEARS
S/O.SEBASTIAN, MADAVANA HOUSE, THEVARKADU KARA
VARAPUZHA.

BY ADV. SRI.LIFFY P. FRANCIS

RESPONDENT(S)/COMPLAINANT:

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1. DIFFIN, AGED 36 YEARS
S/O.PAULSON, ELENJICKAL HOUSE, PALIYAKKARA
ANGAMALY KARA, ANGAMALY PIN - 683 572.
 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.PIN - 682 031.

-R1 BY ADV. SRI.JAISON JOSEPH
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2290 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE WOUND CERTIFICATE OF THE IST
RESPONDENT DATED 11.4.2010

ANNEXURE-A2: TRUE COPY OF THE CHARGE SHEET IN CC NO.561/14 OF
JUDICIAL FIRST CLASS MAGISTRATE, ANGAMALY.

ANNEXURE-A3: TRUE COPY OF THE AGREEMENT DATED 29.1.2015 BETWEEN
THE PETITIONERS NO.1 TO 4 AND IST RESPONDENT

ANNEXURE-A4: TRUE COPY OF AFFIDAVIT SWORN BY THE IST RESPONDENT
DATED 13.3.2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2290 of 2015**  
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Dated this the 8th April, 2015

ORDER

The petitioners herein are the four accused in C.C No.561 of 2014 of the Judicial First Class Magistrate's Court, Angamalay. 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 448, 326, 324 and 323 read with 34 of Indian Penal Code on the complaint of one Diffin, 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.

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.5671 of 2014 of the Judicial First Class Magistrate's Court, Angamaly 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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/True copy/