

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

Cr1.MC.No. 2335 of 2015

IN S.C NO.229/2014 OF THE SESSIONS COURT, KASARAGOD

CRIME NO.458/2013 OF CHEEMENI POLICE STATION, KASARGOD

PETITIONERS/ACCUSED:

1. JESIM K, AGED 21 YEARS,
S/O.K.MUHAMMED, KOTTUPURATH HOUSE,
NELLIKKAPARAMB,
KOZHIKODE - 673 602.
2. MUHAMMED.T., AGED 23 YEARS,
S/O.MOIDEENKUNJU, CHEENAMMADAT HOUSE,
THATTANCHERRY,
NEELESWARAM, KOZHIKODE DISTRICT - 673 582.
3. SHAMSEER.T., AGED 24 YEARS,
S/O.ABDUL RAHIMAN THENGILAL, KEEZHISSEY,
KUZHIMANNA,
MALAPPURAM DISTRICT.
4. UNNIKRISHNAN K.C, AGED 22 YEARS,
S/O.CHANDU.K.V., KICHOOSE VILLA, KARIPPODI,
BAKKAL PALLIKARA, KOZHIKODE.
5. NISSAM S.A., AGED 23 YEARS,
S/O.ABOOBACKER PUTHUKUDI, KODIYATHUR, MUKKAM,
KOZHIKODE DISTRICT.
6. NITHIN K.V., AGED 21 YEARS
S/O.BHASKARAN K.V., 'KRISHNAKRIPA',
SREEKRISHNA NAGAR,
PULIPARAMBU, KANNUR DISTRICT.
7. REJIS C.K., AGED 21 YEARS,
S/O.SULAIMAN C.K. KANNENGAN HOUSE,
ELATHOOR, ERANAD,
MANJERI, MALAPPURAM DISTRICT.
8. ANAND.T., AGED 21 YEARS,
S/O.THANKANANI T.P., POONTHODAN HOUSE, MANGODU
PARAKKAD, PALAKKAD.

9. JOSEPH P.S., AGED 21 YEARS,
S/O.SEBASTIAN P.A., PANANCHIKKAL HOUSE,
PALLITHODU P.O., ALAPPUZHA DISTRICT.
10. ATHUL C.K., AGED 21 YEARS,
S/O.C.KRISHNAN, CHOONDAYILTHODI HOUSE,
POKKOTTUR,
MALAPPURAM DISTRICT.
11. SIDDHARTH T.R, AGED 21 YEARS,
S/O.HAREENDRAN T.,
RESIDING AT 'HARISREE', PANNIYANNORR,
KANNUR DISTRICT.

BY ADV. SRI.M.REVIKRISHNAN

RESPONDENTS/STATE & DEFACTO COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 021.
2. GOKUL GOVIND,
S/O.GOVINDAN, PULIYANGODU KARIKOTTU HOUSE,
CHERUKUNNAM,
KASARAGODE DISTRICT.
3. KIRAN BALAKRISHNAN,
S/O.BALAKRISHNAN, K.K.HOUSE,
KOOTTUMUGHAM P.O,
KANNUR DISTRICT - 670 631.

R2 & 3 BY ADV. SRI.SANTHOSH P.PODUVAL

R2 & 3 BY ADV. SRI.K.D.SREEVISAKH

R2 & 3 BY ADV. SMT.R.RAJITHA

R1 BY SR. 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:

Cr1.MC.No. 2335 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.458/13
OF CHEEMENI POLICE STATION

ANNEXURE B: AFFIDAVIT SWORN BY THE 2ND RESPONDENT

ANNEXURE C: AFFIDAVIT SWORN BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2335 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioners herein are the eleven accused in S.C No.229/2014 of the Sessions Court, Kasaragod. 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, 341, 323, 324 and 308 r/w 149 of the Indian Penal Code on the complaint of one Gokul Govind 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 counter case also stand stayed and quashed. 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.229/2014 of the Sessions Court, Kasaragod 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.

**P.UBAID
JUDGE**

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