

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. 2336 of 2015

IN C.C NO.3014/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-I, HOSDRUG

CRIME NO. 459/2013 OF CHEEMENI POLICE STATION, KASARGOD

PETITIONERS/ACCUSED:

1. KIRAN BALAKRISHNAN, AGED 23 YEARS,
S/O.BALAKRISHNAN, KUTTIATT KURUKATTIL HOUSE,
KOOTTUMUGHAM, SREEKANDAPURAM, KANNUR DISTRICT.
2. GOKUL GOVIND P.K., AGED 23 YEARS,
S/O.GOVINDAN .P., KALIKODU VEETIL, PULIYAKODE,
CHERUKUNNU VILLAGE, KANNUR DIST.
3. VARUN VENU.P., AGED 22 YEARS,
S/O.SREEKALA VENU, EDATTU, PAYYANNOOR,
KANNUR DISTRICT.
4. RAJESH KRISHNAN, AGED 22 YEARS,
S/O.KRISHNAN, SINDHU NIVAS, NORTH KOTTACHERI,
KANCHANGAD, KASARAGOD DISTRICT.
5. SYAM DAMODHARAN, AGED 22 YEARS,
S/O.DAMODHARAN P., PALERI HOUSE, KULIYAPRAM,
KANNUR DISTRICT.
6. RWITHWIJ.K., AGED 23 YEARS,
S/O.RAJENDRAN, V.V.HOUSE, HAJI ROAD,
PAPPINISSERI WEST, KANNUR DIST.
7. SAMAL LAL.M, AGED 22 YEARS,
S/O.GANGADHARAN.P., PANDARATHIL HOUSE,
MAVILAKADAPPURAM, KASARAGODE DISTRICT.
8. NEERAJ RAMESH, AGED 22 YEARS,
S/O.RAMESAN, RESIDING AT 'ANUGRAHA', NANATH,
KANNUR DISTRICT.
9. ADARSH.A.P., AGED 22 YEARS,
S/O.KRISHNAN, RESIDING AT 'SAKETHAM', CHERUVICHERY,
MATHAMANGALAM, KANNUR DISTRICT.

BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENTS/STATE & DEFACTO COMPLAINTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. JESIM K.,
S/O.K.MUHAMMED, KOTTUPURATH HOUSE,
NELLIKKAPARAMB,
KOZHIKODE - 673 602
3. MUHAMMED.T.,
S/O.MOIDEENKUNJU, CHEENAMMADAT HOUSE,
THATTANCHERRY,
NEELEWARAM,
KOZHIKODE DISTRICT. - 673 582.
4. REJIS C.K., AGED 22 YEARS,
S/O.SULAIMAN C.K., KANNENGAN HOUSE,
ELANKOOR,
MANJERI, MALAPPURAM - 676 121.

R2-R3 BY ADV. SRI.M.REVIKRISHNAN
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. 2336 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.459/13
OF CHEEMENI POLICE STATION

ANNEXURE B: AFFIDAVIT SWORN BY THE 2ND RESPONDENT

ANNEXURE C: AFFIDAVIT SWORN BY THE 3RD RESPONDENT

ANNEXURE D: AFFIDAVIT SWORN BY THE 4TH RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.2336 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioners herein are the nine accused in C.C No.3014/2013 of the Judicial First Class Magistrate Court I, Hosdurg. 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 r/w 149 of the Indian Penal Code on the complaint of one Jesim 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 persons who sustained injuries in the alleged incident are the respondent Nos.3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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. The counter case also stand settled 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 C.C No.3014/2013 of the Judicial First Class Magistrate Court I, Hosdurg 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**

ab