

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.MC.No. 2395 of 2015 ()

CC 776/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT, NORTH PARAVUR
=====

PETITIONERS/ACCUSED NO.1-5:

1. **SINCHAD, AGED 32 YEARS**
S/O SILBAD, VALAPETH VEETIL, CHERAI
PALLIPURAM, ERNAKULAM DISTRICT.
2. **AJI, AGED 34 YEARS, S/O SUBRAMANIAN**
KUNJUMAKKANPURACKAL VEETIL, CHERAI
PALLIPURAM, ERNAKULAM DISTRICT.
3. **VINOD, AGED 32 YEARS**
S/O VISWANATHAN, ODASSERIL VEEDU, CHERAI
PALLIPURAM, ERNAKULAM DISTRICT.
4. **SREEJITH, AGED 29 YEARS**
S/O SUDEVAN, KALARICKAL VEETIL, CHERAI
PALLIPURAM, ERNAKULAM DISTRICT.
5. **JIJIN, AGED 30 YEARS**
S/O RAMAN, PUTHENVEETIL HOSUE, CHERAI
PALLIPURAM, ERNAKULAM DISTRICT.

BY ADVS.SRI.AMJAD ALI
SRI.MANSOOR.B.H.

RESPONDENTS/STATE AND DEFACTO COMPLAINANT/INJURED:

1. **STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031. THROUGH THE STATION HOUSE OFFICER
MUNAMBOM POLICE STATION, ERNAKULAM DISTRICT.
2. **RENJITH, AGED 30 YEARS**
S/O RAVI, KANNATTUPARAMBIL VEETIL, AYAMPILLY
KUZHIPPILLY, ERNAKULAM DISTRICT, 683512.
3. **VIPIN, AGED 30 YEARS**
S/O PAULOSE, PUNNACHALIL VEETIL, PALLATHAMKULANGARA
KUZHIPPILLY, ERNAKULAM DISTRICT-683512.

R2,R3 BY ADV. SRI.B.H.ANSIL
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A: A COPY OF THE CHARGE SHEET IN C.C.776/2009 PENDING ON THE
FILES OF JUDICIAL FIRST CLASS MAGISTRATES COURT N.PARAVUR.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.2395 of 2015

Dated this the 10th day of April, 2015

O R D E R

The petitioners herein are the five accused in C.C. No.776/2009 of the Judicial First Class Magistrate Court, North Paravur. 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, 323 and 324 read with 149 IPC, on the complaint of one Renjith, 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. 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.

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 proceedings 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.776/2009 of the Judicial First Class Magistrate Court, North Paravur 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

sd