

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

Cr1.MC.No. 2419 of 2015

IN C.C 716/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KOLLAM

CRIME NO. 1576/2011 OF KOLLAM EAST POLICE STATION, KOLLAM

PETITIONERS/ACCUSED NOS.1 TO 3:

1. K.MURALEEDHARAN NAIR, AGED 57 YEARS,
S/O.KRISHNAPILLAI, RESIDING AT 'PAVOORAZHIKATHU
THEKKATHIL VEEDU',
'PAVOORAZHIKATHU THEKKATHIL VEEDU',
SAKTHIKULANGARA, KOLLAM DISTRICT.
2. SANUSH K.A, S/O.AYYAPPAN,
AGED 40 YEARS, RESIDING AT 'BANITHA NIVAS',
NEAR PULIYAR MANA SCHOOL, PULIYAR MANA,
VYNAD DISTRICT.
3. K.MADHUKUMAR, S/O.KRISHNAN NAIR,
AGED 52 YEARS, RESIDING AT 'PANCHAMI',
TC-149, NCC NAGAR, PEROORKKADA,
KUDAPPANAKKUNNU VILLAGE,
THIRUVANANTHAPURAM DISTRICT

BY ADVS.SRI.SAIJU S.
SRI.P.H.RISHAD

RESPONDENTS:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. R.VIMAL NATH, AGED 35 YEARS,
S/O.REGHUNATHAN PILLAI,
RESIDING AT PANAYIL VEEDU,
NEAR KOTHETH TEMPLE, KOTHETH NAGAR,
ULIYAKOVIL, KOLLAM EAST VILLAGE,
KOLLAM.
3. R.AMAL NATH, AGED 30 YEARS,
S/O.REGHUNATHAN PILLAI,
RESIDING AT PANAYIL VEEDU,
NEAR KOTHETH TEMPLE, KOTHETH NAGAR,
ULIYAKOVIL, KOLLAM EAST VILLAGE,
KOLLAM.

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:

Cr1.MC.No. 2419 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE C.M.P NO.10419/2011 FILED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM

ANNEXURE II: COPY OF THE FIR IN CRIME NO.1576/2011 OF KOLLAM EAST POLICE STATION.

ANNEXURE III: COPY OF THE FINAL REPORT IN C.C. NO.716/2012 PENDING WITH THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, KOLLAM

ANNEXURE IV: AFFIDAVIT SWORN BY R.VIMAL NATH

ANNEXURE V: AFFIDAVIT SWORN BY R.AMAL NATH

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2419 of 2015

Dated this the 10th day of April, 2015

O R D E R

The petitioners herein are the three accused in C.C No.716/2012 of the Judicial First Class Magistrate Court II, Kollam. 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, 294(b), 341, 452, 425 and 427 of the Indian Penal Code, on the complaint of one Vimal Nath 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 further 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.716/2012 of the Judicial First Class Magistrate Court II, Kollam 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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